

PLANNING COMMITTEE - 14 August 2025

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

Parish: Chorleywood
Expiry of Statutory Period: 26.08.2025

Ward: Chorleywood North and Sarratt
Case Officer: Claire Wilson

Recommendation: That Planning Permission is granted.

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

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

1 Relevant Planning History

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

2 Description of Application Site

- 2.1 The red line defining the application site consists of an area of hardstanding used for car parking, the existing access to an enclosed external play area and the main vehicular access serving Chorleywood Montessori Nursery School. The wider blue line contains the existing buildings which form the existing Nursery School and the existing outdoor play area. The site is located within the grounds of Chorleywood House (a Locally Important Building) with vehicular access down Lady Ela Drive accessed from Chorleywood Road.
- 2.2 The existing nursery consists of a single storey detached building which sits at a slightly higher land level relative to the ground of the wider site. This is timber clad with a pitched roof form. Located immediately adjacent to this is a further detached single storey building which contains the office associated with the nursery. It is understood from the supporting statement submitted at the time of the previous planning application 25/0288/FUL that the nursery can accommodate 37 children at any one time and operates Monday – Friday, 8am-6pm.
- 2.3 Located forward of the existing building is an area of hardstanding which provides provision for off street car parking. Forward of this is an enclosed outdoor play area. To the west of the site are two further detached buildings which are not used in connection with the nursery. Located to the east of the site is Chorleywood Football Club which includes an existing single storey detached building and playing pitches.
- 2.4 The application site is located within the Metropolitan Green Belt and National Landscape Area. As noted above, Chorleywood House is a Locally Important Building.

3 Description of Proposed Development

- 3.1 Planning application 25/0288/FUL for the erection of a single storey detached building for educational purposes was granted planning permission on 22 April 2025. The application was granted subject to conditions including the following:

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

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

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

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

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

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

4 Consultation

4.1 Statutory Consultation

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

4.1.2 Landscape Officer: No response at time of writing.

4.1.3 Herts Highways: [No objection]

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

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

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

4.1.5 National Grid: No response at time of writing.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 1

4.2.2 No of responses received: None received

4.2.3 Site Notice: Expiry: 28.07.2025

4.2.4 Summary of Responses: N.A

5 Reason for Delay

5.1 N.A

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

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

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

6.2 The Three Rivers Local Plan

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

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

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

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

6.3 Other

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

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

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

7 **Planning Analysis**

7.1 Planning Background

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

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

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

7.2 Green Belt

- 7.2.1 The National Planning Policy Framework (NPPF) sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belt are their openness and their permanence. One of the purposes of including land within Green Belt is to safeguard the countryside from encroachment.
- 7.2.2 The NPPF identifies the five purposes of including land in Green Belts as:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns from merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land
- 7.2.3 Paragraph 153 of the NPPF states that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 7.2.4 Paragraph 154 of the NPPF states that Development in the Green Belt is inappropriate unless one of the following exceptions applies:
- a) buildings for agriculture and forestry;*
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it*
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
 - e) limited infilling in villages;*
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
 - g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.*
 - h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*
 - i. mineral extraction;*
 - ii. engineering operations;*
 - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
 - iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;*
 - v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
 - vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order*
- 7.2.5 Policy CP11 of the Core Strategy (adopted October 2011) sets out that there is a general presumption against inappropriate development that would not preserve the openness of

the Green Belt, or which would conflict with the purposes of including land within it. Policy DM2 of the Development Management Policies sets out that the construction of new buildings in the Green Belt is inappropriate with certain exceptions.

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

7.2.7 In summary, based on the assessment against the criteria set out in Paragraph 155 of the NPPF, it is considered that the application site would constitute grey belt land, and that the proposal would represent an appropriate form of development. The proposed amendments to the application are not considered to alter this conclusion and the development is therefore considered acceptable and in accordance with the provisions of the NPPF.

7.3 Impact on Character, Landscape and Heritage.

7.3.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.

7.3.2 The application site is located within the grounds of Chorleywood House, which is a Locally Important Building. Policy DM3 of the Development Management Policies is therefore relevant. This advises that Council encourages the retention of Locally Important Buildings and development will only be granted where historic or architectural features are retained or enhanced

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

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

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

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

7.3.5 As set out the principle of the development and the scale and design of the building has been previously approved. The alterations to fenestration detail would not increase the prominence of the building and would not impact on the National Landscape Area. With regard to the external finishes, the building would still remain as timber clad, however, a darker black/brown colour is now proposed rather than the lighter colour approved previously. The existing nursery is a dark timber cladding and as such, it is not considered that this would be an inappropriate external finish. Likewise, the adjacent sports building is also a darker cladding. The roofing material is now proposed to be a slate finish rather than metal. A dark slate finish would be sympathetic to the design of the building and would not be inappropriate within the National Landscape Area. A condition would be attached requiring the materials to be as proposed.

7.3.6 The alterations to fenestration detail would have no impact on the appearance of the building or on heritage assets.

7.3.7 In summary, it is not considered that the development would impact on the character of the area. In addition, it would not detract from the setting of the National Landscape or the public enjoyment of the area. The proposed development is considered to be acceptable and in accordance with Policy CP12 of the Core Strategy, Policies DM3 and DM7 of the Development Management Policies LDD and Policies 2 and 8 of the Chorleywood Neighbourhood Plan (2020).

7.4 Impact on amenity of neighbours

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

7.4.2 The proposed amendments relate to changes to the external materials and fenestration detail. Given the location of the building, it is not considered that there would be any harm to the amenities of nearby residents. However, the previous conditions relating to hours of use (0800-1800 each weekday and not on Saturdays, Sundays or bank holidays) and a restriction on the number of children attending to a total of 67 are still considered necessary.

7.4.3 Subject to the suggested conditions, the development is considered acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

7.5 Highways, access and car parking

7.5.1 Policy CP10 of the Core Strategy relates to Transport and Travel and advises that development will need to demonstrate that it provides a safe and adequate means of access. In addition, it should make adequate provision for all users of the highway. Paragraph 111 of the NPPF is also relevant and states that 'development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residential cumulative impacts on the road network would be severe'.

7.5.2 There are no alterations proposed to the existing access to the site. Furthermore, at the time of the previous permission, the Highways Officer noted that whilst the proposed development would increase pupil numbers, the number of trips generated on the highway network would not be severe.

7.5.3 With regard to off street car parking, the proposed amendments to materials and fenestration detail would not have any impact on the requirement for off street car parking provision or the conclusions made at the time of the previous application, which found the shortfall in off street car parking to be acceptable. As per the previous permission, a condition requiring a Green Travel Plan to be submitted shall be added to this permission.

7.5.4 The proposed development is therefore considered acceptable and in accordance with Policy CP10 of the Core Strategy and Policy DM13 and Appendix 5 of the Development Management Policies LDD.

7.6 Trees and Landscaping

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

7.6.2 The current application relates to alterations to the approved materials and fenestration detail, with the building sited in the same position and footprint. At the time of the previous application, the Landscape Officer advised that a condition should be attached to any consent requiring the applicant to undertake development in accordance with the submitted tree protection method statement. This condition is therefore still considered to be relevant and would ensure that the development would still be in accordance with Policy DM6 of the Development Management Policies LDD.

7.7 Wildlife and Biodiversity

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

7.7.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application. It is noted that the application is accompanied by a Protected Species Scoping Report. It is noted that this is dated 24th June 2023 and therefore is technically out of date. However, having regard to the nature of the building to be demolished, it is not considered that there would be any significant harm to bats with the report noting that the location of the site and form of the garage, meant that it offered 'negligible' bat roosting potential. These findings are still considered applicable. An informative shall be added reminding the applicant of what to do should bats be found during the course of the development.

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

7.8 Mandatory Biodiversity Net gain.

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

7.8.2 In this case, the applicant considers that the development would be subject to the de minimis exemption. The Ecological Appraisal advises that the project is unlikely to trigger the requirement for a biodiversity net gain assessment as it falls under one of the exemptions of less than 25square metres of habitat being impacted. Given that the building would be mainly located on existing hardstanding which is classed as a sealed surface, it is considered that this exemption would be applicable and thus no objections are raised in this regard.

7.9 Refuse and Recycling

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

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

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

8 **Recommendation**

That PLANNING PERMISSION BE GRANTED subject to the following conditions:

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

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

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

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

Reason: For the avoidance of doubt, in the proper interests of planning in accordance with Policies PSP1, C9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM3, DM4, DM6, DM8, DM9 and Appendix 5 ; of the Development Management Policies LDD (adopted July 2013) and the Chorleywood Neighbourhood Plan (2020)

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

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

- C4 The building(s) shall not be erected other than in the materials as have been approved in writing by the Local Planning Authority as shown on Drawing Number 597.25-CH-IL-OPT1-A1 REV 2 and no external materials shall be used other than those approved.

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

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

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

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

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

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

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

- C8 The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme (Arboricultural Method Statement, Arbtech, 05 February 2025) before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

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

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

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

8.1 **Informatives:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Development below the de minimis threshold, meaning development which:

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

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

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

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

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

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

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

condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at

<https://www.hertfordshire.gov.uk/services/recycling-waste-andenvironment/countryside-access/rights-of-way/rights-of-way.aspx> or by c