

## PLANNING COMMITTEE – THURSDAY 23 OCTOBER 2025

### 25/1122/FUL – Construction of single storey side extension at 16 Money Hill Parade, Uxbridge Road, Rickmansworth, Hertfordshire, WD3 7BE

Parish: Batchworth Community Council  
Expiry of Statutory Period: 03.09.2025  
(Extension of Time: 30.10.2025)

Ward: Rickmansworth Town  
Case Officer: Scott Volker

Recommendation: That Planning Permission be approved.

Reason for consideration by the Committee: Part of the application site is under the ownership of Three Rivers District Council.

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=SYPGPUQFH3F00>

#### 1 Relevant Planning History

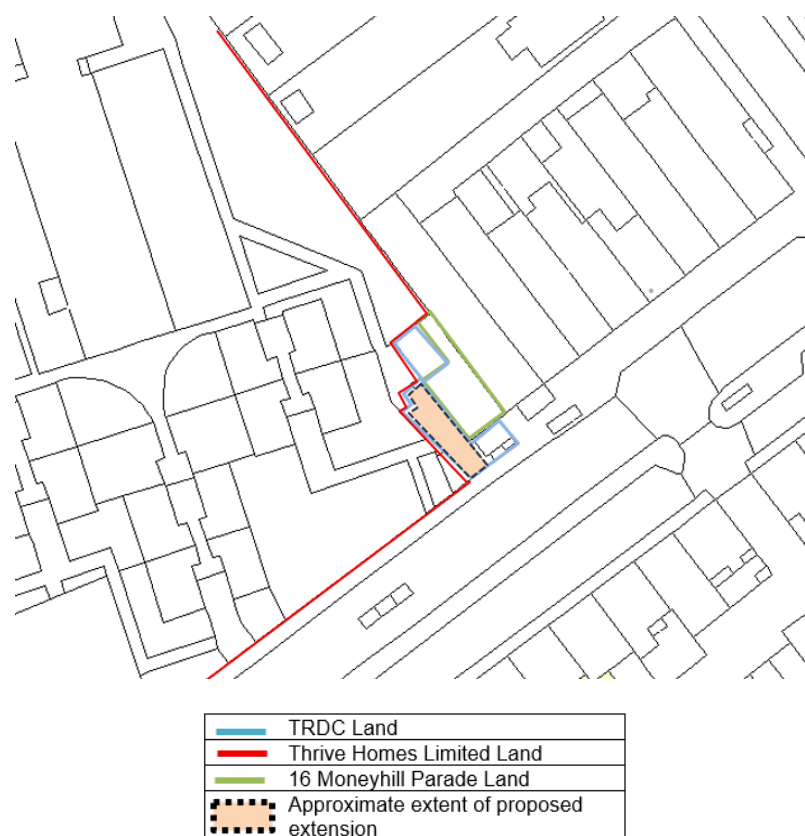
- 1.1 06/1972/FUL: Change of use from restaurant (A3) to take away (A5). Permitted, January 2007; implemented.
- 1.2 07/1652/FUL: Demolition of existing public convenience building and erection of two storey side and single storey rear extension to provide new cafe and three self-contained flats and extended restaurant. Refused October 2007 for the following reasons:
  - R1 *The proposal, by reason of its sighting, would adversely affect the root protection area of the Sycamore tree, and would place undue pressure on the Sycamore to be felled or lopped in the future. This is not in accordance with Policy N15 of the Three Rivers Local Plan 1996-2011.*
  - R2 *The proposal, by reason of its inadequate parking and access arrangement in terms of residential and restaurant access would create an unacceptable access arrangement for the residential occupants. This is not in accordance with Policies GEN3, T7 and T8 and Appendix 2 of the Three Rivers Local Plan 1996-2011.*
- 1.3 08/0203/FUL: Demolition of existing public convenience building and erection of two storey side and single storey rear extension to provide new cafe (Class A3) and three self-contained flats (Class C3) and extended restaurant (Class A3). Permitted, April 2008 implemented.
- 1.4 11/1731/CLPD: Certificate of Lawful Proposed Development: Proposed use of existing timber decking at the front of the property for table and chairs associated with the proposed cafe (use Class A3). Permitted October 2011; implemented.
- 1.5 12/1452/FUL: Variation of Condition 2 of planning permission 08/0203/FUL to enable cafe to open between the hours of 08.00 and 22.00 every day. Permitted, September 2012.
- 1.6 16/1688/FUL - Replace existing awning with weather resistant covering – Permitted November 2016; implemented.
- 1.7 24/1725/FUL - Variation of Condition 1 (Hours of Operation) and 2 (External Use Hours) pursuant to planning application 12/1452/FUL: To allow the cafe to operate between 08:00 to 22:00 everyday – Permitted January 2025 subject to the following condition:

*The use of the café and the external covered seating area hereby permitted shall not be open to the public other than between the hours of 08.00 to 22.00 Mondays to Saturdays and between 10.00 to 22.00 on Sundays and Bank Holidays.*

*Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policy CP1 of the Core Strategy (adopted October 2011).*

## **2 Description of Application Site**

- 2.1 The application site is situated on the north-western side of Money Hill Parade, a local shopping parade in Mill End. The application site comprises an end of terrace property containing an existing café (Use Class E(b)) use at ground floor level. Positioned forward of the premises is an awning with weather resistant covering to the roof and side to provide an enclosed dining area. To the south west of this is an uncovered external seating area which is situated on land owned by Three Rivers District Council. The application site as shown by the red line on the submitted Location Plan also includes a parcel of land owned by Thrive Homes Limited.



- 2.2 The building containing the café includes residential flats (Use Class C3) above on the first floor and within the roof. The parade contains a variety of commercial units. The designated highway pavement is situated between the awning and the road edge (Uxbridge Road).
- 2.3 The premises next door 'Pour Me' is a mixed-use unit operating as a Class (E)(a) (restaurant) and Sui Generis (drinking establishment). This unit benefits from an external terrace area. To the west is Moneyhill Court which is a flatted development with communal grounds.

## **3 Description of Proposed Development**

- 3.1 This planning application seeks to construct a single storey side extension to facilitate an enclosed customer dining area.

- 3.2 The total depth of the extension would measure 14.8m – this would include a 3.6m deep and 1.8m high front projection providing storage space with doors set within the western flank. The main extension would have a flat roof form measuring 3.3m in height which would include a rooflight. The western flank elevation of the extension would be splayed resulting in a maximum width of 4.9m with a width of 3.3m at the front where a set of double doors would be located.
- 3.3 The extension would have a bricked external appearance and would contain glazing within the western flank elevation.
- 3.4 Although not detailed on the submitted floor plans, it has been confirmed that the proposed extension would provide an additional 10-12 covers. The external area to the front extension could also be used for some additional seating approximately 4-6 covers.
- 3.5 The small front ex

#### **4 Consultation**

- 4.1 National Grid (Gas): No response received.
- 4.2 Batchworth Community Council: BCC discussed and noted this application.
- 4.3 TRDC Property Services: Objection

*The Property team would not support the above application.*

*The existing Right of Access, granted by the Council, and the lack of engagement for the use of Council-owned land with the Property team, do not make this a viable application.*

#### **5 Public/Neighbour Consultation**

- 5.1.1 Number consulted: 8
- 5.1.2 No of responses received: 0
- 5.1.3 Site Notice: None    Press notice: None.

#### **6 Reason for Delay**

- 6.1 Committee cycle.

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

- 7.1 National Planning Policy Framework and National Planning Practice Guidance

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

The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the

benefits unless there is a clear reason for refusing the development (harm to a protected area). Relevant chapters include Chapter 2, Chapter 6 and Chapter 7.

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

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

The Environment Act (2021).

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

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP1, CP1, CP6, CP9 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM6 and DM9 and Appendices 2 and 5.

The Site Allocations LDD (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Relevant policies include SA4 and Site Ref R(f).

The Batchworth Neighbourhood Plan (2025)

## **7.3 Other**

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

# **8 Planning Analysis**

## **8.1 Principle of Development**

8.1.1 The application site is within the Key Centre of Mill End. Policy PSP2 of the Core Strategy advises that development will maintain and enhance primary and secondary shopping frontages. Policy SA4 of the Site Allocations LDD states that Identified Local Centres and Local Shops will be protected and uses complementary to the Local Centre and Local Shops will be encouraged. Policy CP7 of the Core Strategy is also relevant and states that proposals for new town centre and shopping development will take into account the appropriateness of the type and scale of development in relation to the centre and its role, function and character and catchment area.

8.1.2 The Site Allocations LDD identifies Moneyhill Parade as a Local Centre and states that uses complementary to the Local Centre and Local Shops will be encouraged. The application site is located outside of the Local Centre allocation but directly adjacent to the area and when viewed from the street the application premises appears as a continuation to the existing retail parade.

- 8.1.3 The proposed extension would facilitate the expansion to the customer dining area for an existing restaurant situated adjacent to the existing local parade and would not have a significant or detrimental impact to the existing premises or the range of uses in the vicinity and is not considered to be out of character or harmful to the area. Although, located outside the Local Centre the extended premises would continue to compliment the Local Centre.
- 8.1.4 Whilst it is acknowledged that there is an objection from the TRDC Property Services team as the proposed extension would be situated on council owned land, this would not amount to a reason for refusal on planning grounds. Currently, the land forms part of the communal grounds associated with Moneyhill Court, an assessment on the loss of amenity will be considered in the relevant section later in this report.
- 8.1.5 Therefore, the principle of the proposed development is acceptable in accordance with Policies PSP2 and CP7 of the Core Strategy (adopted October 2011) and Policy SA4 of the Site Allocations Document.

## 8.2 Design and impact of the street scene

- 8.2.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'.
- 8.2.2 Policy DE1 of the Batchworth Neighbourhood Plan (2025) sets out that new development in the area shall respond positively to guidance and principles established in the Batchworth Neighbourhood Design Code, including but not limited to prevailing building heights, materials, development frontages, plot widths, boundary treatments and street enclosure. Proposals that depart from this will need fully justifying.
- 8.2.3 It is not considered that the proposed extension would result in harm to the character of the area. The extension is single storey, and the main element of the extension would be set back from the highway, flush with the principal elevation of the existing building thus would not appear as a prominent feature within the street scene. The small, enclosed storage areas to the front would be limited in height and width and would be read against the main extension and in the context of the existing boundary fencing. The proposed extension would also be constructed using materials that would match the host building ensuring the extension would blend in with the existing character and appearance of the host building. Consequently, the proposal is deemed acceptable in regard to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DE1 of the Batchworth Neighbourhood Plan (2025).

## 8.3 Impact on Neighbours

- 8.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM9 of the DMP LDD sets out that the council will refuse planning permission for development which would give rise to disturbance, noise, light, smell, fumes and vibrations unless appropriate mitigation measures are in place. Additionally, in regards to noise pollution DM9 sets out that planning permission will not be granted where development has an unacceptable impact on the indoor or outdoor acoustic environment of existing or planned development.
- 8.3.2 The NPPF promotes economic development and states at Paragraph 85 that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Consequently, there is a balance to be struck between

supporting the commercial success of individual businesses and protecting the living conditions of residents within the surrounding area. This is emphasised by Policy CP1 of the Core Strategy (adopted October 2011) which seeks to ensure that all development contributes to the sustainability of the district, by balancing the need to sustain the vitality and viability of centres whilst safeguarding residential amenity.

- 8.3.3 The application site is the last commercial property on this side of Moneyhill Parade, which is a Local Centre, characterised as a relatively large parade of commercial premises either side of a main road, which includes restaurants, bars, takeaways, shops, and services providing both daytime and night-time services to the local community. There are residential units located above a number of the commercial units (including the application site) and also Moneyhill Court which is located approximately 12m from the application site to the west.
- 8.3.4 Currently, Dolce Café (application premises) operates between 08.00 to 22.00 Mondays to Saturdays and between 10.00 to 22.00 on Sundays and Bank Holidays following the grant of planning permission under application 24/1725/FUL to extend the opening hours.
- 8.3.5 The site is located within a commercial parade with multiple other premises open to public, with residential units above and as such, this arrangement is not uncommon.
- 8.3.6 The proposed extension would provide an additional 10-12 covers in the restaurant; however, the additional seating would be fully enclosed. The enclosed nature of the external seating area of Dolce Café would minimise noise levels early in the morning and at night such that it is not considered that the proposed extension would result in demonstrable noise and disturbance to occupants of Moneyhill Court or the flats located above Dolce Café. The Environmental Health Officer has also verbally confirmed that they have not received any noise complaints in connection with the current existing use from local residents.
- 8.3.7 The proposed extension would also be positioned approximately 5m from the corner of a section of Moneyhill Court containing Flat 2 and 6. The separation distance coupled with the single storey nature of the proposed extension, means it is not considered that the proposed development would result in loss of light or appear overbearing to the detriment of the residential amenities of Flats 2 and 6. The proposed extension would contain glazing within the western flank elevation the majority of which serve the customer dining area. These windows would not directly face onto the ground floor windows of Flat 2 or those of Flat 6 above and would be angled away from these neighbouring properties due to the splayed wall. There is a new window proposed to the extended kitchen which could give rise to direct overlooking towards the windows of Flat 2. Therefore, a condition requiring this window to be fitted with obscured glazing and top opening only is suggested.
- 8.3.8 The proposed extension would be situated on land forming part of the communal space associated with Moneyhill Court. Currently the provides a connection route linking part of the development to the footpath on Uxbridge Road. The proposed extension would require a new connection route to be created. A new path is unlikely to require planning permission but would require engagement between the applicant and Thrive Homes who own Moneyhill Court. This would fall outside of this planning application and therefore an informative is attached advising the applicant to engage with Thrive Homes in the event that planning permission is granted.
- 8.3.9 The proposed extension would be not result in any other significant impact to the remaining communal area which serves Moneyhill Court and is considered acceptable in this regard.
- 8.3.10 Overall, subject to condition, it is considered that the proposed extension would not result in any demonstrable harm to the residential amenities of any of the surrounding neighbouring properties and the development would be acceptable in accordance with

Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD.

#### 8.4 Highways & Parking

- 8.4.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.
- 8.4.2 The application site does not benefit from any customer parking. The proposed extension would increase the number of covers available for the restaurant; however, it is not considered that the development would result in parking harm, given the sustainability and accessibility of the location, and that existing parking controls are in place to prevent dangerous car parking.
- 8.4.3 The proposed extension would be located on an existing footway which provides a connection to a gated access point onto Uxbridge Road. The footway does not form a public right of way listed on the Hertfordshire County Council Footpaths map. An amended plan has been sought to provide a diversion to ensure that the internal footway remains connected.
- 8.4.4 In summary, the proposed development is acceptable in accordance with Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies document (adopted July 2013).

#### 8.5 Biodiversity

- 8.5.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
- 8.5.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected because of the application.
- 8.5.3 In summary, the proposed development is acceptable in accordance with Policy CP9 of the Core Strategy (adopted 2011) and Policy DM6 of the Development Management Policies document (adopted 2013).

#### 8.6 Mandatory Biodiversity Net Gain

- 8.6.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value.
- 8.6.2 The application form states that development is subject to the 'de minimis' exemption as the development is below the threshold by reason that the proposal is not impacting on 25sq.m of grassland or 5 linear metres of hedgerow.

#### 8.7 Refuse and Recycling

8.7.1 Policy DM10 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:

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

8.7.2 Refuse and recycling storage areas would be located within the front projection which would be accessed from within the application site. Refuse collection for Dolce Café is already collected by the council and this arrangement would continue. As such, the proposed development would be considered acceptable in accordance with Policy DM10 of the Development Management Policies LDD.

## 8.8 Trees

8.8.1 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' and Core Strategy Policy CP9 seeks a net gain in the quality and quantity of Green Infrastructure through the protection and enhancement of assets and the provision of new green spaces.

8.8.2 Policy DM6 of the Development Management Policies document sets out requirements in relation to trees, woodlands and landscaping and sets out that:

- i) Proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Landscaping proposals should also include new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.
- ii) Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value or hedgerows considered to meet the Hedgerow Regulations 1997.
- iii) Development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant standards
- iv) Development should be designed in such a way as to allow trees and hedgerows to grow to maturity without causing undue problems of visibility, shading or damage. Development likely to result in future requests for significant topping, lopping or felling will be refused
- v) Planning permission will be refused for any development resulting in the loss of deterioration to protected woodland (including ancient woodland), protected trees (including aged or veteran trees) and hedgerows.

8.8.3 Near to the application is a grouping of trees protected under TPO709 (Moneyhill Court, Dellwood, Rickmansworth) 2008 tree reference G2. The group comprises 12 sycamore trees. The proposed development would not involve the removal of any of the protected trees to facilitate the development. The proposed development would also be situated on areas of existing hardstanding. The Landscape Officer was verbally consulted on the application and although they raised no principal objections to the scheme, despite the location of the proposed extension in an area of existing hardstanding they recommended that an arboricultural method statement and details of tree protection be secured by condition to ensure that the trees are not impacted during the construction of the extension.



- 8.8.4 Subject to the abovementioned condition, the proposed development is considered acceptable in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

## **9 Recommendation**

- 9.1 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 plan: 6187PL019; 6187PL020 REV-E; 6187PL021 REV-E and TRDC 001 (Location Plan).

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM6, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013), Policy DE1 of the Batchworth Neighbourhood Plan (2025) and the NPPF (2024).

- C3 No development or other operation shall commence on site whatsoever until an arboricultural method statement (prepared in accordance with BS: 5837 (2012) 'Trees in relation to design, demolition and construction') has been submitted to and approved in writing by the Local Planning Authority. This method statement shall include details of timetables of works, method of demolition, removal of material from the site, importation and storage of building materials and site facilities on the site, tree protection measures and details including location and depths of underground service routes, methods of excavation and construction methods, in particular where they lie close to trees.

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

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

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

- C4 The use of the extended café and the external covered seating area shall not be open to the public other than between the hours of 08.00 to 22.00 Mondays to Saturdays and between 10.00 to 22.00 on Sundays and Bank Holidays.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policy CP1 of the Core Strategy (adopted October 2011).

- C5 Before the first occupation of the extension hereby permitted the window in west elevation serving the extended kitchen; shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

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

## 9.2 **Informatives:**

- I1 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.
- I2 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.
- I3 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.
- I4 The applicant is reminded that the grant of planning permission does not overcome the need for obtaining other consents including the land owners permission which in this case is Three Rivers District Council and Thrive Homes Limited.
- I5 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>.