

PLANNING COMMITTEE – 11 December 2025

25/1852/FUL – Variation of Condition 2 (plans) pursuant to planning permission 23/1569/FUL to allow repositioning of building, alterations to the placement of balconies, alterations to windows, erection of dormer above staircase, removal of green roof to bin/bike stores at GARAGES ADJACENT 13 TO 23 POLLARDS, MAPLE CROSS, HERTFORDSHIRE

Parish: Non-Parished
Expiry of Statutory Period: 22.12.2025

Ward: Chorleywood South & Maple Cross
Case Officer: Claire Westwood

Recommendation: That Planning Permission be granted.

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

To view all documents forming part of this application please go to the following website:
[25/1852/FUL | Variation of Condition 2 \(plans\) pursuant to planning permission 23/1569/FUL to allow repositioning of building, alterations to the placement of balconies, alterations to windows, erection of dormer above staircase, removal of green roof to bin/bike stores | Garages Adjacent 13 To 23 Pollards Maple Cross Hertfordshire](#)

1 Relevant Planning History

- 1.1 23/1569/FUL - Demolition of existing garages and erection of 3 storey (plus roof accommodation) block comprising eight 2 bed apartments with associated bin and bike storage, parking and landscaping works. Permitted 24.11.2023.
- 1.2 Various Discharge of Conditions applications determined.

2 Description of Application Site

- 2.1 The site is located to the south eastern side of Pollards, perpendicular to two existing three-storey flatted blocks (1-11 and 13-23) and opposite a further three-storey block (10 – 32 Pollards). The immediate area is characterised by three-storey flatted blocks with gable ends and shallow sloping roofs and two storey semi-detached and terraced dwellings. There are balconies evident on some existing flatted blocks.
- 2.2 The site currently contains a single block of 10 flat roofed garages of brick construction sited adjacent to the rear site boundary where the garages share a wall with four storage sheds (outside of the site) which it is understood are leased to tenants of the existing adjacent flats.
- 2.3 There is vehicular access from Pollards with a dropped kerb across the full site frontage. There are no significant land level changes within/adjacent to the site.

3 Description of Proposed Development

- 3.1 Planning permission 23/1569/FUL granted consent for the 'demolition of existing garages and erection of 3 storey (plus roof accommodation) block comprising eight 2 bed apartments with associated bin and bike storage, parking and landscaping works'.
- 3.2 The current application seeks a variation of Condition 2 (plans) pursuant to planning permission 23/1569/FUL to allow repositioning of building, alterations to the placement of balconies, alterations to windows, erection of dormer above staircase, and removal of green roof to bin/bike stores. The development is otherwise as approved via 23/1569/FUL. The development is described in full below.

- 3.3 The proposed building would be set back from the highway by approximately 6.9 metres (previously approximately 7.2 metres) and would be set off the rear site boundary with the existing stores (outside of the application site) by approximately 0.3 metres (previously set up to the boundary). The proposed building would have a width of 27 metres and depth of 8.7 metres (unchanged from the previous consent). The building would be 3 storeys with a 4th floor of accommodation provided at roof level, served by front and rear dormer windows. The building would have a ridge height of 12.6 metres and eaves height of 9 metres (unchanged from the previous consent). To both the front and rear elevations a single dormer window is proposed, the central section of both dormers would be slightly recessed, set back further from the eaves. The rear dormer remains as previously approved with a width of 26 metres, height of 2 metres and maximum depth of 2.9 metres. The front dormer would have a width of 26 metres, height of 2 metres and maximum depth of 2.9 metres. It is noted that the previous consent included two front dormer windows each with a width of 11.7 metres. The front dormer would include 2 recessed balconies, one to each end. A rooflight is proposed within the flat roof section of the recessed section of the front dormer window.
- 3.4 Fenestration is proposed to all elevations. Recessed balconies are proposed to the front elevation, their ends open to both flanks. It is acknowledged that the previous approval included front and flank (south) facing recessed balconies.
- 3.5 In terms of materials, these are shown as a buff multi brick to match the neighbouring dwellings. Windows will have dark grey frames and the roof will be formed from a mix of dark zinc standing seam to the dormers and grey concrete tiles.
- 3.6 The flats would each provide an open plan kitchen, living and dining area; 2 bedrooms and bathroom. Each flat would also have a 7sqm balcony. The flats would be accessed via a door within the centre of the front elevation which would lead to a central communal stair core. To either side of the front entrance door a brick structure is proposed. One would provide a bike store and the other would provide refuse/recycling storage. The structures would be 4.7 metres wide, by 2.4 metres high and 1.8 metres deep. They would be of brick construction to match the material proposed for the flats, the previously proposed green roofs to the refuse and cycle stores have been omitted due to fire safety considerations. To the front of the flats 8 car parking spaces are proposed, 4 to either side of the main entrance. A narrow planted buffer would be provided between the rear of the spaces and front elevation of the flats.
- 3.7 The application proposes 100% of the houses delivered to be Affordable Housing, delivered as Affordable Rent. This reflects that approved via 23/1569/FUL.
- 3.8 In summary, the changes between the previous approval (23/1569/FUL) and current application (25/1852/FUL) are:
- 0.3m spacing provided between rear of building and rear site boundary.
 - Single dormer to front elevation (in lieu of 2 previously approved).
 - Re-orientation of eastern end recessed balconies to face front elevation.
 - Minor alterations to position of some windows following re-orientation of balconies.
 - Omission of green roof to bin and bike store.
- 3.9 During the application additional information was provided in the form of hard and soft landscaping proposals. The hard landscaping proposals incorporate 3 no. Swift boxes in response to comments received during the application.

4 Consultation

4.1 Statutory Consultation

4.1.1 National Grid: [No response received]

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 42

4.2.2 Responses received: 1 comment

4.2.3 Summary of responses:

- Concern regarding loss of green roof.
- The loss could be rectified by requiring Swift bricks to be integrated into the walls of the new building instead. The original application had Swift bricks listed as an informative only, however, since that decision was made, Paragraph 187(d) of the 2024 NPPF and the 2025 NPPG have been updated and now make clear that the government expects Swift bricks to be required on new developments.

4.2.4 Officer comment: During the application additional information was provided in the form of hard and soft landscaping proposals. The hard landscaping proposals incorporate 3 no. Swift boxes.

4.2.5 Site Notice: Posted 4.11.25 Expired 25.11.25

5 Reason for Delay

5.1 No delay.

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 PSP3, CP1, CP2, CP3, CP4, 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 DM1, DM4, DM6, DM8, DM9, DM10, DM13 and Appendices 2 and 5.
- 6.2.6 The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public.

6.3 Other

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

7 Planning Analysis

7.1 Background / Principle of Development

- 7.1.1 As noted above, planning permission 23/1569/FUL granted consent for the 'demolition of existing garages and erection of 3 storey (plus roof accommodation) block comprising eight 2 bed apartments with associated bin and bike storage, parking and landscaping works'. A copy of the committee report for 23/1569/FUL is attached at **Appendix A**.
- 7.1.2 Application 23/1569/FUL remains extant and there are not considered to have been any material changes in site circumstances or policy since its grant. The following analysis therefore focuses on the proposed changes set out at 3.8 above and their impact on the character and appearance of the area and residential amenity, and any other relevant material considerations. The previously approved and current proposed elevations are shown in **Appendix B**.

7.2 Character & Appearance

- 7.2.1 Policy CP12 of the Core Strategy (adopted October 2011) states that development should:
'...have regard to the local context and conserve or enhance the character, amenities and quality of an area and should make efficient use of land whilst respecting the distinctiveness of the surrounding area.'
- 7.2.2 The National Planning Policy Framework (NPPF) encourages the effective use of land. At the heart of the NPPF is a presumption in favour of sustainable development which seeks positive improvements in the quality of the built environment but at the same time balancing social and environmental concerns.
- 7.2.3 In terms of new residential development, Policy DM1 of the Development Management Policies LDD (adopted July 2013) advises that the Council will protect the character and residential amenity of existing areas of housing from forms of new residential development which are inappropriate for the area.

- 7.2.4 It was concluded that application 23/1569/FUL would make efficient use of previously developed land and that the proposed building would be of an appropriate form, scale and siting and subject to conditions (eg. materials) would not appear excessively prominent or result in demonstrable harm to the character or appearance of the area.
- 7.2.5 It is proposed to provide 0.3m spacing between the rear of the building and the rear site boundary. The planning statement notes that this is to ensure that the existing storage structures within the adjacent site that adjoin the site boundary, are retained. The 0.3m spacing proposed is not considered to materially alter the appearance of the approved development or result in harm to character. Similarly, the building being sited 0.3m closer to the highway is not considered to increase its prominence.
- 7.2.6 The approved plans included a single dormer to the rear elevation with central recessed section and two dormers to the front elevation. It is proposed to replace the two approved front dormers with a single dormer with recessed section that would reflect that approved to the rear elevation. It is acknowledged that the proposed front dormer would occupy a significant proportion of the roof width but like that to the rear, it would be set down considerably from the roof ridge, set in from each flank and set back from the rear wall. The central section has also been stepped to break up the linear form. It is considered that the dormer would be subordinate within the host roof.
- 7.2.7 The approved plans included recessed balconies to all flats across the ground, first and second floors, with the main elevations of those to the western end of the building facing the front and the main elevation of those to the eastern end of the building facing to the east (side). No changes are proposed to those to the western end of the building, however, the balconies to the eastern end are proposed to be re-orientated so that their main elevations would also face towards the front. There would be some associated alterations to fenestration to the front and flank as a result. The proposed changes would introduce a more symmetrical appearance to the front elevation than approved, however, it is not considered that this would be harmful on character or appearance grounds.
- 7.2.8 It is proposed to omit the green roof originally approved to the bin and bike store. It is understood that this is in order to comply with Building Regulations. Given the small scale of the structures the change is not considered to result in harm to character or appearance.
- 7.2.9 In summary, the proposed changes are not considered to dilute or undermine the original grant of consent. The proposed building is considered to be of an appropriate form, scale and siting and subject to conditions (eg. materials) would not appear excessively prominent or result in demonstrable harm to the character or appearance of the area. The development would therefore accord with Policies CP1, CP3 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

7.3 Impact on Neighbouring Amenity

- 7.3.1 The Design Criteria as set out in Appendix 2 of the Development Management Policies LDD (adopted July 2013) state that new development should take into consideration impacts on neighbouring properties and visual impacts generally. Oversized, unattractive and poorly sited development can result in loss of light and outlook for neighbours and detract from the character and appearance of the area.
- 7.3.2 With regards to privacy, Appendix 2 states to prevent overlooking, distances between buildings should be sufficient so as to prevent overlooking, particularly from upper floors. As an indicative figure, 28m should be achieved between the faces of single or two storey buildings backing onto each other or in other circumstances where privacy needs to be achieved. Mitigating circumstances such as careful layout and orientation, screening and window positions may allow a reduction of distances between elevations.

- 7.3.3 It was concluded that application 23/1569/FUL would not facilitate overlooking of neighbouring properties to the detriment of their residential amenities or result in demonstrable harm through overshadowing or loss of light.
- 7.3.4 As noted above, a single dormer is proposed to the front elevation in lieu of two dormers. The central section that would be added would be partly recessed. The siting of the building relative to neighbours is such that there would be no detrimental impact in terms of overshadowing or loss of light. The previous report concluded that windows and balconies to the front would be separated from properties opposite by the highway and the front to front relationship, intervening road and separation is such that it is not considered that unacceptable overlooking would be facilitated. The provision of a single dormer in lieu of two is not considered to alter this conclusion.
- 7.3.5 In the previously approved plans, the recessed balconies to the eastern end were orientated such that the main elevation faced to the eastern flank and their narrower end elevation faced the front elevation. It is proposed to reverse this so that the wider opening of the balcony would face to the front, mirroring that approved to the opposite end of the building. As noted above, the previous report concluded that windows and balconies to the front would be separated from properties opposite by the highway and the front to front relationship, intervening road and separation is such that it is not considered that unacceptable overlooking would be facilitated. It is not considered that the increased extent of balcony to the front elevation would alter this conclusion.
- 7.3.6 Flats 1 – 11 are located to the south-east of the application site, orientated at 90 degrees to the application site and proposed building. There are no flank openings in this adjacent block facing the application site. The extent of balcony opening to the flank would be reduced in comparison to the approved scheme and would therefore not detrimentally impact neighbouring amenity.
- 7.3.7 It is not considered that the provision of 0.3m spacing to the rear of the building or omission of green roof to bin and bike store would affect neighbouring amenity.
- 7.3.8 In summary, it is considered that the development would not facilitate overlooking of neighbouring properties to the detriment of their residential amenities, or result in demonstrable harm through overshadowing or loss of light, and the proposal would be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

7.4 Other Matters

- 7.4.1 The application proposes 100% of the houses delivered to be Affordable Housing, delivered as Affordable Rent. This reflects that approved via 23/1569/FUL.
- 7.4.2 Similarly, access, parking and amenity space provision remains as approved via 23/1569/FUL.
- 7.4.3 The Energy Statement submitted with the original application demonstrated that the proposal would far exceed the current policy, achieving a 66% reduction in carbon emissions against the Building Regulations Part L (2021). A condition on any grant of consent would require compliance with the approved Energy Statement.
- 7.4.4 During the application additional information was provided in the form of hard and soft landscaping proposals. The hard landscaping proposals incorporate 3 no. Swift boxes. Appropriate conditions will be attached to ensure that these are provided/maintained.
- 7.4.5 The application is exempt from Mandatory Biodiversity Net Gain as the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024.

7.5 Conclusion

- 7.5.1 In summary, the proposed changes are not considered to dilute or undermine the original grant of consent and are not considered to result in harm.
- 7.5.2 Where conditions of the original consent have been previously discharged, they have been updated as required below. The conditions have also been amended to include the implementation of the updated hard landscaping plan incorporating 3 no. swift boxes.

8 **Recommendation**

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

- C1 TIME: The development hereby permitted shall be begun before the 24 November 2026.

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 PLANS: The development hereby permitted shall be carried out in accordance with the following approved plans: 050 P02; 100 P01; 101A P01; 101B P01; 200 P01; 300 P00; 400 P00; BUG24946-11A; BUG24946-12A.

Reason: For the avoidance of doubt in the proper interest of planning and to meet the requirements of Policies PSP3, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4, DM6, DM8, DM9, DM10, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

- C3 AFFORDABLE HOUSING: The Affordable Housing shall be provided in accordance with the scheme approved pursuant to discharge of condition 3 of planning application 23/1569/FUL via LPA ref. 25/1475/DIS dated 31 October 2025.

The dwellings constructed shall not be used for any other purpose than as Affordable Housing in accordance with that approved scheme, subject to:

- (A) any rights to acquire pursuant to the Housing Act 1996 or any equivalent statutory provision for the time being in force;
- (B) any right to buy pursuant to the Housing Act 1985 or any equivalent statutory provision for the time being in force;
- (C) the restriction upon the use and disposal of the Affordable Housing shall cease to apply to the whole or any part of an Affordable Dwelling (hereafter referred to as the 'Affected Affordable Dwelling') where that whole or part is transferred or leased, pursuant to an event of default by any mortgagee or chargee of the Affordable Housing Provider or the successors in title to such mortgagee or chargee, or by any receiver or manager (including an administrative receiver) appointed pursuant to the Law of Property Act 1925 (hereafter referred to as the "Chargee"), PROVIDED THAT:
 - (i) the Chargee has first given the Council and the Affordable Housing Provider (as appropriate) 4 (four) months prior notice in writing (the "Chargee's Notice") of its intention to exercise any power of sale or lease in respect of any Affected Affordable Dwelling; and
 - (ii) the Chargee has first given the Council or the Affordable Housing Provider the opportunity to complete a transfer of the Affected Affordable Dwelling in order to ensure that it continues to be used for the purposes of Affordable Housing. The Chargee's Notice shall not be a valid Chargee's Notice unless it is accompanied by a conveyancer's certificate signed and dated by the conveyancer and confirming that, at the date of the notice, the Chargee giving the notice is entitled to execute a transfer

- of the freehold of the Affected Affordable Dwelling and all land required to gain access to the Affected Affordable Dwelling from the public highway; and
- (iii) the price for the purchase of the Affected Affordable Dwelling by the Council or the Affordable Housing Provider demanded by the Chargee shall not be permitted to exceed the market value of the Affected Affordable Dwelling at the date of the transfer on the valuation assumption that it is to be retained in perpetuity as Affordable Housing.
 - (iv) If the Council or the Affordable Housing Provider is unable to secure the transfer of the Affected Affordable Dwelling under the terms and in the circumstances described above within the said period of 4 (four) months in accordance with sub-paragraph (i) above then the Chargee shall be entitled to dispose of the Affected Affordable Dwelling on the open market not subject to the condition above that it shall not be used for any other purpose than as Affordable Housing.

Reason: To meet local housing need within the Three Rivers district and to comply with Policies CP1, CP2, CP3 and CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing SPD (approved July 2011).

- C4 CONSTRUCTION MANAGEMENT PLAN: The Construction Method Statement approved pursuant to discharge of condition 4 of planning application 23/1569/FUL via LPA ref. 25/1475/DIS dated 31 October 2025 shall be adhered to throughout the construction period.

Reason: 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).

- C5 LANDSCAPING: All hard landscaping works required by the approved scheme as shown on BUG24946-12A and including the installation of 3. No swift boxes, shall be carried out and completed prior to the first occupation of the development hereby permitted.

All soft landscaping works required by the approved scheme as shown on BUG24946-11A shall be carried out before the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner.

If any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (ie November to March inclusive).

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C6 MATERIALS: Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C7 PARKING MANGEMENT PLAN: A parking management plan, including details of the allocation of vehicle parking spaces and cycle storage spaces within the development and long term management responsibilities and maintenance schedules for all communal parking areas, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby permitted. The parking management plan shall be carried out in accordance with the approved details following occupation of the units and maintained thereafter.

Reason: To ensure that adequate off-street parking and manoeuvring space is provided within the development so as to not prejudice the free flow of traffic and in the interests of highway safety on neighbouring highways 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).

- C8 ELECTRIC VEHICLE CHARGING POINTS (EVCPs): Prior to the first use of the development hereby permitted, the details and design of EVCPs shall be submitted to and approved in writing by the Local Planning Authority. All EVCPs shall be installed in accordance with the approved details prior to occupation of the units and permanently maintained and retained.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

- C9 LIGHTING: No external lighting shall be installed on the site or affixed to any buildings on the site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity. The lighting shall be installed in accordance with the approved details before the use of the lighting commences.

Reason: In the interests of visual amenity and biodiversity and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policies DM6 and DM9 of the Development Management Policies LDD (adopted July 2013).

- C10 ENERGY STATEMENT: The development shall not be occupied until the energy saving and renewable energy measures detailed within the Energy Statement submitted and approved pursuant to planning application 23/1569/FUL are incorporated into the approved development.

Reason: To ensure that the development meets the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and to ensure that the development makes as full a contribution to sustainable development as possible.

- C11 BICYCLE STORAGE: No dwelling shall be occupied until its secure cycle storage as shown on plans 100 P01 and 400 P00 has been provided. The storage shall be permanently retained thereafter.

Reason: In order to ensure bicycle parking facilities are provided and to encourage use of sustainable modes of travel 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).

- C12 REFUSE STORAGE: The development shall not be occupied until the approved refuse scheme as shown on plans 100 P01 and 400 P00 has been provided and these facilities should be retained permanently thereafter.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM10 and Appendix 2 of the Development Management Policies document (adopted July 2013).

- C13 **ECOLOGY RECOMMENDATIONS:** The development shall be carried out in accordance with the recommendations set out within the Preliminary Ecological Appraisal prepared by Syntegra Consulting June 2023 (ref. 23-10798) approved pursuant to planning permission 23/1569/FUL and shall include the addition of 3 no. swift boxes as shown on BUG24946-12A.

Reason: In the interests of biodiversity and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 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 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:

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

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

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

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

- 12 The 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 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.
- 15 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>
- 16 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.

- 17 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - b) the planning authority has approved the plan.

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

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

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

The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

- a) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or
- b) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.

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>.