

## PLANNING COMMITTEE – 16 February 2026

**25/0195/FUL: Demolition of existing dwelling and construction of detached building containing 5 residential flats, with associated landscaping, provision of new vehicular access, car parking, cycle and refuse storage at 80 THE DRIVE, RICKMAMSWORTH, HERTS, WD3 4DU**

Parish: Chorleywood  
Expiry of Statutory Period: EOT: 16.12.2025

Ward: Chorleywood North and Sarratt  
Case Officer: Claire Wilson

Development Type: Minor Dwellings

### UPDATE

The application was due to be considered by the Planning Committee at their meeting on 22 January 2026 and had been recommended for refusal by officers. Whilst the application was not considered at that meeting due to their being insufficient time, officers did update the committee verbally to advise that following the publication of the 22 January 2026 Planning Committee Agenda, an appeal had been lodged by the applicant against the Local Planning Authority's (LPA) failure to give notice of its decision within the appropriate period.

As an appeal against non-determination had been made the Council is no longer able to determine the application. However, in order for the LPA to provide its Statement of Case to the Planning Inspectorate in due course it is necessary for the Planning Committee to still consider the application and consider how it would have determined the application had an appeal against non-determination not been lodged. The recommendation has therefore been updated to reflect this.

**Recommendation:** That the decision be delegated to the Head of Regulatory Services to write to the Planning Inspectorate to confirm that in the absence of an appeal against non-determination, planning permission would have been REFUSED for the reason set out at section 8 of the committee report.

Reason for consideration by the Committee: The application has been called in by the Head of Regulatory Services given the level of public interest.

The application has also been called in by three members of the Planning Committee if officers are minded to approve for the following reasons:

- 1) There are concerns about introducing flatted development along this road where none is believed to exist and the impact this would have on the character of the road.
- 2) Herts Highways have objected so concerns are raised on highways issues also.
- 3) There is a considerable amount of local dissent on the scheme.
- 4) Finally, there is a fear that the privacy of those using the neighbouring school grounds could be adversely affected by overlooking.

Chorleywood Parish Council have also called in the application in the event officers are minded to approve due to concerns including in relation to parking and character as set out in their comments in paragraph 4.1.1 of the analysis below.

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

[25/0195/FUL | Demolition of existing dwelling and construction detached building containing 5 residential flats, with associated landscaping, provision of new vehicular access, car parking, cycle and refuse storage | 80 The Drive Rickmansworth Hertfordshire WD3 4DU](#)

## **1 Relevant Planning History**

- 1.1 8/280/74: Erection of dwellinghouse (In Grounds of no. 82). Application permitted.
- 1.2 8/28/75: Erection of dwellinghouse.
- 1.3 8/516/75: Dwellinghouse and access to the highway. Application permitted.

## **2 Description of Application Site**

- 2.1 The application site consists of a two- storey detached residential dwelling located on the southern side of The Drive, Rickmansworth. The streetscene is mainly characterised by detached dwellings of varied architectural design, set on large plots with generous spacing between dwellings. Located to the east of the dwelling is Charlotte House Prep School, with the nearest adjacent building on this site being two storey in height. To the west of the site and opposite, are detached residential dwellings.
- 2.2 The existing dwelling is set at a significantly lower land level to the adjacent highway. It has a brick external finish, pitched roof form with gable ends to the flank elevations. To the front of the dwelling is a single storey projection containing the entrance, and adjacent to the boundary with the school is an attached garage with mono pitched roof form. The site is accessed via a single vehicular crossover, which serves a driveway which slopes steeply down from the main road.
- 2.3 To the rear of the site, the dwelling has an existing single storey side projection located adjacent to the boundary with Charlotte House and there is also a single storey outbuilding sited adjacent to the western boundary. This sits at a lower land level to the dwelling. Immediately to the rear of the dwelling itself is a paved patio area set at the same level as the dwelling, with the remaining garden laid to lawn and sloping down towards the rear boundary. At the time of the site visit, it was observed that there is an existing MUGA/Tennis Court within the grounds of Charlotte House, which is enclosed by mesh fencing and immediately adjoins the boundary with the application site.
- 2.4 The neighbouring dwelling to the west known as no.78 extends significantly beyond the rear of the host dwelling and has a higher ridge line relative to the application dwelling. This neighbour dwelling appears to be served by a large projecting, glazed balcony area which is visible from the application site.
- 2.5 The site is affected by an existing Tree Preservation Order (TPO Reference: TPO Title: TR (The Drive, Chorleywood) 2010).

## **3 Description of Proposed Development**

- 3.1 The applicant is seeking full planning permission for the demolition of the existing detached dwelling and construction of a detached building containing five residential flats with associated landscaping, new vehicular access and refuse storage. The proposed development would provide 3 x 2 bedroom units, and 2 x 3 bedroom units.
- 3.2 The proposed building would be set back approximately 12.3m from the front boundary of the site. The building would have a width of approximately 14.4m and a maximum depth (to the rear most projection of the building) of 17.4m. The plans indicate that the western flank elevation would be set a maximum of 2m from the boundary with no.78 The Drive (and a

minimum of 1.6m due to the nature of the boundary). The plans also indicate a distance retained to the eastern boundary with Charlotte House School of 1.55m.

- 3.3 In terms of design, the building would appear as having a two storey appearance when viewed from The Drive. The plans indicate that the building would have a maximum height of 9.4m (as taken from the lowest land level marked on the front elevation). The building would have two front gabled projections to either side of the front elevation. The entrance door to the flats will be located centrally with this recessed area being timber clad, whilst the gables would have a white rendered appearance. Due to the nature of the land levels, the building would have a three storey appearance to the rear elevation with the plans indicating a maximum height of 12.4m. The plans indicate a crown roof form with the proposed crown roof having a depth of 5.3m and a width of 14.8m. The proposed rear projection would have a hipped roof form which would be set down from the main ridge. The plans suggest that the rear elevation would be white rendered with areas of cladding proposed to the fenestration detail.
- 3.4 The applicant is proposing to retain the existing vehicular access point, whilst also proposing a new vehicular access adjacent to Charlotte House. The plans indicate that the land levels would be built up in order to provide a car parking area level with the highway with provision for five off street car parking spaces. The plans show that the parking area would be set at a higher land level to the ground floor level of the proposed building. In order to facilitate the car parking area, a retaining wall is proposed which would be located approximately 2m from the front elevation of the building. Balustrading is proposed to be constructed to the rear of the car parking area closest to the proposed building. Stepped access is proposed down from the car parking area to access the main entrance to the flats which is set at a lower land level relative to the highway. Stepped access is also proposed to either side of the building in order to access the rear amenity area.
- 3.5 To the rear, the plans indicate a private amenity space serving the lower ground floor unit (flat 1), with a terrace area proposed to serve flat 3 at ground floor level. A privacy screen is proposed to the side of this terrace to provide screening from Charlotte House School. In addition, the plans indicate the provision of 2m high fencing to the boundary with this neighbour. The remaining garden area would be utilised as a communal amenity space.
- 3.6 Amended plans have been received during the course of the application as follows:
- Cycle ramp added in order for bikes to be transported from street level to the proposed ground floor level of the building.
  - Gate added adjacent to front entrance door.
  - Cycle storage relocated to rear garden.
  - Privacy screen added to rear terrace.
  - Reflective glass added to ground floor front windows.
  - Car parking spaces set approximately 0.5m further back than previously illustrated.
  - Landscaping increased to the rear.
- 3.7 Officers have not re-consulted on the amended drawings, as no significant material changes have been proposed to the scheme which would require additional consultation.

## **4 Consultation**

### **4.1 Statutory Consultation**

#### 4.1.1 Chorleywood Parish Council: [Objection]

The Committee had Objections to this application on the following grounds and wish to CALL IN, unless the Officers are minded to refuse.

The level of parking proposed is only half of that required under Appendix 5 of the Development Management Policies. The site is approximately 1 mile from the local station and shops, so there should be no reduction below that given the Development Management Policies.

Despite the assertions of the developers On Street Traffic Survey, the surrounding streets already suffer significant parking pressure due to the school and nearby roads, such as High Close, can easily be obstructed by parked cars

Under Policy 5 of the Chorleywood Neighbourhood Development Plan (NDP), flatted development should only be undertaken near to stations and / or local facilities & amenities. As this site is approximately 1 mile from the nearest station and the main facilities & amenities, this proposed development is not in accordance with the NDP.

There are concerns over the overlooking of the school playgrounds from the living rooms of the upper flats.

The local area of the site consists of large dwellings on large plots. Development of flats here would result in an increase in density not suited to the site.

There are concerns that a habitable home is being demolished to achieve this development with an unnecessary release of Carbon (approximately 100 tonnes more than required to undertake extension) and the creation of considerable waste.

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

#### 4.1.2 Herts Highways: [Initial objection overcome]

##### 4.1.2.1 [Initial objection]

Proposal: Demolition of existing dwelling and construction detached building containing 5 residential flats, with associated landscaping, provision of new vehicular access, car parking, cycle and refuse storage

Recommendation: Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reason:

The proposed access arrangements are not in accordance with Hertfordshire County Council policies and specifications and has the potential to interfere with the free and safe flow of highway users on the adjacent highway. The proposals are therefore contrary to policy guidelines as outlined in the National Planning Policy Framework (NPPF) and Hertfordshire Local Transport Plan (LTP4).

Comments/Analysis

Description of Proposal: Demolition of existing dwelling and construction detached building containing 5 residential flats, with associated landscaping, provision of new vehicular access, car parking, cycle and refuse storage

Site and Surroundings: The Drive is an unclassified local access route subject to a 30mph speed limit which is highway maintainable at public expense. As per the Place and Movement Network within the PMPDG, The Drive is classified as a P2/M1. The site is in residential area to the north of the centre of Rickmansworth with a school being adjacent to the site itself.

#### Highway Impact

The proposed access arrangements are not in accordance with HCC specifications and policies as two accesses are proposed at the site. Any additional access at a site is considered to be an additional conflict point between vehicles crossing the footway and pedestrians. The additional access also means that the site is giving priority to vehicles crossing the footway over pedestrians, infringing upon LTP4 policies 1 and 5 which aim to maintain a highway user hierarchy where pedestrian movements are prioritised. Secondary accesses are also not permitted within the Residential Dropped Kerb Policy, although this is not a householder application the policy remains relevant due to the residential nature of the area and the proposal. It would be suggested that a central shared dropped kerb access, measuring a maximum of 7.2m wide, should be explored with swept path drawings showing how vehicles can access the proposed parking spaces. It is also noted that there is not 6m behind each of the parking spaces, a measurement defined in Manual for Streets which is required to allow for vehicles to safely manoeuvre in and out of a space. The parking spaces should therefore be widened, to make movements easier, and swept path drawings provided to ensure that vehicles will not be doing any manoeuvring over the highway footway when using the parking spaces.

#### Conclusion

HCC as the Highway Authority have reviewed the supporting documents and drawings and wishes to raise an objection to the application. This is due to highway concerns as the proposals are contrary to the design standards contained in Manual for Streets and infringes upon LTP4 policies 1 and 5.

4.1.2.2 Officer comment: Following the above objection, further information was submitted by the applicant.

4.1.2.3 [Second Comment: No objection subject to conditions]

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

1. Additional details (might be more appropriate to submit and approve prior to decision to remove need for condition).

No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:

- a. Swept path analysis / tracking to illustrate that cars would be able to use the proposed car parking spaces, turn around on site and egress the site in forward gear. Any turning areas should not utilise any of the adjacent highway footway.
- b. Amended site plan to illustrate the existing vehicle crossover access and the new vehicle crossover with a width of 5.4m (made up of four flat kerbs and two ramped kerbs).

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

2. A Highway Improvements – Offsite (Design Approval)

Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works have been submitted to and approved in writing by the Local Planning Authority. The works shall include:

- An additional new vehicle crossover access made up of four flat kerbs and two ramps kerbs and any associated works.

#### B Highway Improvements – Offsite (Implementation / Construction)

Prior to the first use of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

#### Provision of Access and Parking Areas

Prior to the first occupation of the development hereby permitted the necessary access and on-site car parking and turning area shall be laid out, demarcated, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

#### 4. Construction Management

No development shall commence until a Construction Management Plan/Statement has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Any traffic management requirements
- c. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- d. Siting and details of wheel washing facilities;
- e. Timing of construction activities to avoid peak periods and school drop off and pick up times;

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

#### Highway Informatives

Construction standards for works within the highway (s278 works):The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

Comments: The proposal comprises of the demolition of the existing dwelling and development of 5 residential dwellings and associated works at 80 The Drive, Rickmansworth. The Drive is designated as an unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense. Dawes Lane is classed as P2/M1 (residential street) on HCC's Place & Movement Network.

A Transport Statement (TS) has been submitted as part of the application.

Access: There is an existing vehicle crossover access into the site. The proposals include an additional vehicle access point.

Following consideration of the letter submitted in response to the original highway comments and the fact that the proposals are for more than one dwelling, it has been considered that there would not be sufficient grounds to recommend objection to the proposals on the grounds of an additional vehicle access. Nevertheless HCC as Highway Authority would recommend swept path analysis / tracking to illustrate that cars would be able to use the proposed car parking spaces, turn around on site and egress the site in forward gear. Any turning areas should not utilise any of the adjacent highway footway and would be important when taking into account the adjacent school.

It would also be recommended (as there would be two accesses) that each is no wider than 5.4m (made up of four flat kerbs and two ramped kerbs) and therefore if these should be shown or at least labelled / indicated on a scaled plan. The existing VXO appears to be this size already.

Visibility splays of 2.4m by 40m to either side of both access have been illustrated on drawing number 6115/001 B. The normally required visibility splays for 30mph is 43m but this is also considered to be available and therefore the access proposals are in accordance with HCC's Place & Movement Planning and Design Guidance (PMPDG) and Manual for Streets in this respect.

The proposals include the provision of storage for on-site refuse / recycling bins. The collection method for refuse / recycling would also need to be confirmed as acceptable by Three Rivers District Council (TRDC) as waste collection authority.

The proposals would enable emergency vehicle access to within 45 metres from all parts of the proposed dwellings. This adheres to guidelines as recommended in MfS, Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 –Dwellinghouses (and subsequent updates).

The proposed development would also need to make adequate provision for drainage on site to ensure that surface water is disposed of on site and does not discharge onto the highway.

#### Section 278 Highway Works

The applicant would ultimately need to enter into a Section 278 Agreement with HCC as Highway Authority in relation to the approval of the design and implementation of the works that would be needed on highway land including:

- New vehicle crossover access made up of four flat kerbs and two ramps kerbs and any associated works.

Prior to applying to enter into a Section 278 Agreement with the Highway Authority, the applicant would need to obtain an extent of highway plan to clarify the works which would be within the existing highway. Please see the above conditions and informatives

#### Trip Generation

A trip generation assessment for the proposed use has been included as part of the TS, the details of which have been based on trip rate information from the TRICS database. This approach is considered to be acceptable by HCC as Highway Authority. The level of trips and impact on the surrounding highway network for a development of this size would not be considered to be significant or severe

#### Parking

The proposal includes the provision of 5 on car site parking spaces, each with an electric vehicle charging facility. The proposals in this respect are in accordance with LTP4, Policy 5h, which states that developments should “ensure that any new parking provision in new developments provides facilities for electric charging of vehicles”.

The proposals include the provisions of on-site cycle stores (with provision for 12 cycles to park), which would be supported by HCC as Highway Authority to promote cycling as a sustainable travel option to and from the site.

TRDC as the planning authority would ultimately need to be satisfied with the overall level and type of parking to ensure accordance with their adopted standards.

#### Conclusion

HCC as Highway Authority considers that the proposal would not have an impact on the safety or severe impact on operation of the surrounding highway. The applicant would need to enter into a Section 278 Agreement with HCC to cover the technical approval of the design, construction and implementation of the necessary highway and access works. Therefore HCC has no objections on highway grounds to the application, subject to the inclusion of the above recommendation for additional information, planning conditions and highway informatives.

4.1.2.4 Officer comment: In response the applicant has provided further information stating that it was not possible for vehicles to manoeuvre within the site and therefore the condition as requested by Herts Highways could not be fulfilled. As such, this was raised with Herts Highways for consideration.

4.1.2.5 [Third comment: No objection]

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

#### 1. Provision of Access and Parking Areas

Prior to the first use of the development hereby permitted, the new vehicle crossover access shall be provided at a width of no greater than 5.4m (made up of four flat kerbs and two ramped kerbs) and the on-site car parking shall be laid out, demarcated, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire’s Local Transport Plan (adopted 2018).

#### 2. Provision of Pedestrian Visibility Splays

Prior to the first use of the development hereby permitted 0.65 x 0.65 metre pedestrian visibility splays shall thereafter be retained at all times to each side of the new and existing access points. They shall be measured from the point where the edges of the access way cross the highway boundary, 0.65 metres into the site and 0.65 metres along the highway boundary therefore forming a triangular visibility splay. Within which, there shall be no obstruction to visibility between 0.6 metres and 2.0 metres above the carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway pedestrian safety in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018).

### 3. Construction Management

No development shall commence until a Construction Management Plan/Statement has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Any traffic management requirements
- c. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- d. Siting and details of wheel washing facilities;
- e. Timing of construction activities to avoid peak periods and school drop off and pick up times;

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

### Highway Informatives

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

AN) New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx>

Comment: The proposal comprises of the demolition of the existing dwelling and development of 5 residential dwellings and associated works at 80 The Drive, Rickmansworth. The Drive is designated as a unclassified local access road, subject to a speed limit of 30mph and is highway maintainable a public expense. Dawes Lane is classed as P2/M1 (residential street) on HCC's Place & Movement Network.

A Transport Statement (TS) was submitted as part of the application. Updated plans have been submitted by the applicant in Dec 2025.

Access: There is an existing vehicle crossover access into the site. The proposals include an additional vehicle access point.

Following consideration of the letter submitted in response to the original highway comments and the fact that the proposals are for more than one dwelling, it has been considered that there would not be sufficient grounds to recommend objection to the proposals on the grounds of an additional vehicle access.

It would also be recommended (as there would be two accesses) that the new VXO is no wider than 5.4m (made up of four flat kerbs and two ramped kerbs). The existing VXO appears to be this size already. Therefore the above condition has been recommended in this respect.

HCC as Highway Authority had also previously requested that the applicant provides details that vehicles would be able to turn around on site and egress in forward gear to the highway. The applicant subsequently stated that this would not be achievable and that it would be reasonable for vehicles to reverse in or out. On balance and consideration of the speed limit and nature of the highway, HCC as Highway Authority has considered that there would not be sufficient grounds to recommend refusal in this respect. Nevertheless, the above condition in respect to visibility has been recommended to ensure that vehicular to pedestrian visibility is maximised and provided at a sufficient level on both sides of the new access. Essentially any boundary features within the pedestrian visibility splay areas would need to be provided and retained at a height of no greater than 0.6m.

Vehicular to vehicular visibility splays of 2.4m by 40m to either side of both access have been previously shown on illustrated on drawing number 6115/001 B. The normally required visibility splays for 30mph is 43m but this is also considered to be available and therefore the access proposals are in accordance with HCC's Place & Movement Planning and Design Guidance (PMPDG) and Manual for Streets in this respect.

The proposals include the provision of storage for on-site refuse / recycling bins. The collection method for refuse / recycling would also need to be confirmed as acceptable by Three Rivers District Council (TRDC) as waste collection authority.

The proposals would enable emergency vehicle access to within 45 metres from all parts of the proposed dwellings. This adheres to guidelines as recommended in MfS and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellings (and subsequent updates).

The proposed development would also need to make adequate provision for drainage on site to ensure that surface water is disposed of on site and does not discharge onto the highway.

#### Trip Generation

A trip generation assessment for the proposed use has been included as part of the TS, the details of which have been based on trip rate information from the TRICS database. This approach is considered to be acceptable by HCC as Highway Authority. The level of trips and impact on the surrounding highway network for a development of this size would not be considered to be significant or severe.

#### Parking

The proposal includes the provision of 5 on car site parking spaces, each with an electric vehicle charging facility. The proposals in this respect are in accordance with LTP4, Policy 5h, which states that developments should "ensure that any new parking provision in new developments provides facilities for electric charging of vehicles".

The proposals include the provision of an on-site cycle store. The location of the store has been amended to be located in the rear of the site with a cycle track added to both sets of

steps to facilitate the movement of bicycles, which is an improvement on the previous plan that did not consider this. The cycle store should be covered and secure.

TRDC as the planning authority would ultimately need to be satisfied with the overall level and type of parking to ensure accordance with their adopted standards.

Conclusion: HCC as Highway Authority considers that the proposal would not have an impact on the safety or severe impact on operation of the surrounding highway. The applicant would need to enter into a VXO agreement with HCC to cover the technical approval of the design, construction and implementation of the necessary highway and access works. Therefore HCC has no objections on highway grounds to the application, subject to the inclusion of the above planning conditions and highway informatives.

4.1.3 Officer comment: Further clarification was sought from Herts Highways with regard to the safety of the new access and its relationship with the school and the following comments have been received:

4.1.4 Herts Highways: [No objection]

HCC as Highway Authority did originally resist the additional vehicular access point to keep the number of entrance points onto the highway network to a minimum and encourage vehicles to have the ability to turn around on site. However due to site constraints, the applicant has not been able to demonstrate this. Nevertheless following consideration of the remaining proposals with a low number of vehicle movements and sufficient levels of visibility it has been deemed that there would not be a highway safety reason to recommend refusal.

4.1.5 Herts Ecology: [Initial objection overcome]

4.1.5.1 [Initial objection]

#### ECOLOGICAL IMPLICATIONS

Thank you for consulting this office on the above application.

#### Overall Recommendation:

The planning officer should either:

1. Refuse the application or advise it is withdrawn or,
2. Request further information from the applicant and re-consult the Ecology Service (LEADS) when it is furnished.

#### Summary of Advice:

- Insufficient information on bats to advise determination of the application – Two bat emergence surveys should be undertaken in the bat activity period, and a report submitted prior to determination.
- Protected species Informative.
- Species Enhancement Plan Condition.
- BNG sufficient for determination.
- Offsite BNG required – HMMP needed.

#### Supporting documents:

- Preliminary Ecological Appraisal and Roost Assessment (Arbtech, September 2024).
- Bat Survey Report (NRG Consulting, December 2024).
- Biodiversity Net Gain Assessment Report (Arbtech, January 2025).
- Biodiversity Metric.

Comments:

The application site is within a residential area and is of limited ecological interest. However, there are various trees present, which form part of established gardens connecting the site to other habitats in the vicinity. A Preliminary Ecological Appraisal (PEA: Arbtech, September 2024) and Bat Survey Report (NRG Consulting, December 2024) have been submitted as part of the application.

B1 was assessed to have moderate potential for roosting bats, and B2, negligible. The classification of B1's moderate potential was owed to the gaps and raised tiles on the roof, and gaps in the soffits. Multiple trees will be felled to facilitate the development, however, none of these were identified to possess roosting features for bats, therefore no further surveys for trees are required. In line with the Bat Conservation Trust Guidelines (2023), moderate potential prompts the need for two bat emergence surveys to be undertaken.

A Bat Survey Report has been submitted by NRG Consulting. This contains the results of only one emergence survey visit, and this was undertaken in December 2024, which is outside of the bat activity period and within the peak hibernation period. Whilst bats sometimes emerge from hibernation on warm nights, typically, in December, they are unlikely to do this. An emergence survey during this time is insufficient and is unlikely to give a true representation of whether this building is/has been utilised as a bat roost. Furthermore, only one emergence survey was conducted, which is not in line with the "moderate" potential given by Arbtech.

Currently, I consider there to be insufficient information on bats to advise determination of the application. Bats are fully protected under national and international law, and sufficient information should be submitted prior to determination to ensure the LPA can consider the impact of the proposal on bats and discharge their legal obligations under the Conservation of Habitats and Species Regulations 2019(as amended).

Consequently, I advise that two emergence surveys should be undertaken in the bat activity period (May-August, and September if the weather remains warm). The results of these surveys should be incorporated into a bat report, which should be submitted to the LPA for approval prior to determination

Other protected species: The PEA did not find evidence of any protected species onsite. In the unlikely event that they are found, I advise the following informative should be added to any permission granted:

*To avoid the killing or injuring of wildlife during development, best practice should keep any areas of grass as short as possible and any longer, ruderal vegetation should be cleared by hand. To avoid creating refugia that may be utilised by wildlife, materials should be carefully stored on-site on raised pallets and away from the boundary habitats. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape, and this is particularly important if excavations fill with water. Any open pipework with an outside diameter greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.*

In order to protect breeding birds, their nests, eggs and young, demolition or vegetation clearance should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed."

Ecological Enhancements: Given the suitable habitat in the vicinity, I advise that in line with the NPPF, species enhancements should be included in the development plan.

Consequently, I advise that a Species Enhancement Plan should be submitted to the LPA as a Condition of approval.

*“Prior to commencement of the development (including vegetation clearance, demolition and ground works), a Species Enhancement Plan shall be prepared. It will include a graphical plan, setting out the number, type and position of enhancement features to be incorporated into the design scheme. The number of features should be proportional to the size of the development, and should be integrated in nature. This plan shall be submitted to the Local Planning Authority for written approval and the development shall be carried out in accordance with the approved plan unless otherwise agreed in writing with the Local Planning Authority”.*

Biodiversity net gain: This application is subject to mandatory biodiversity net gain. A Biodiversity Metric and Biodiversity Net Gain Assessment report have been submitted (Arbtech).

The baseline habitat units stand at 2.30BU, with the onsite net change being -0.35 which equates to a net loss of 15.33%. This net loss is predominantly owed to the loss of trees that have not been fully compensated for. Habitat creation includes other neutral grassland, and urban tree.

The hedgerow baseline units stand at 0.04BU, with the onsite net change being 0.01 equating to a biodiversity net gain of 32.20%. This net gain is owed to the creation of a non-native and ornamental hedgerow.

Given that the habitat creation will be within the curtilage of privately owned gardens with no public access, onsite gains cannot be legally secured. This means that the habitat creation of other neutral grassland, and urban tree cannot technically count towards the biodiversity net gain if this is created on site. Furthermore, creating and maintaining other neutral grassland in a small communal garden is not considered a good option since this grassland will be subject to significant recreational pressure from the people residing in the five flats.

It has been noted in the BNG report that offsite BNG is likely required. Therefore, I advise that the habitat creation should be changed to only “vegetated garden” and “developed land”, and the full 10% net gain should be met using an offsite location.

Whilst the biodiversity gain condition is a post determination matter, given the present information shows a net loss in biodiversity, presently we cannot advise the LPA that they can have confidence at this stage that the general Biodiversity Condition can be discharged.

Nevertheless, in line with government guidance it would generally be inappropriate for concerns about the ability to discharge the condition to be used as a reason to refuse an application. However, the applicant should be made aware the general biodiversity condition is a pre commencement condition and that these matters will need to be addressed either now or at the post determination stage.

At the biodiversity gain plan stage an updated metric will need to be submitted showing how a net gain can be delivered using an off-site location, with the provision of the Biodiversity Gain Site Register reference number for that site. As a last resort if an off-site location cannot be found Biodiversity Credits would need to be purchased. In this latter case the applicant must demonstrate to the satisfaction of the LPA that all other options have been fully explored and that the BNG hierarchy has been followed

The minimum requirement of a completed baseline has been demonstrated. The biodiversity gain condition will apply to this application, whereby a biodiversity gain plan will be submitted as part of this condition. We advise that the government template for the

biodiversity gain plan should be used, and a metric which corresponds with the gain plan should be submitted alongside this.

Given it is stated that an off-site solution is needed to achieve BNG, the LPA is required to secure this off-site net gain via legal agreement whether through an S106 agreement or conservation covenant. Any off-site land used for the purpose of achieving biodiversity units must be registered on the biodiversity gain sites register.

We advise that a Habitat Monitoring and Management Plan (HMMP) should be secured as part of the legal agreement. This shall demonstrate how the habitat enhancement and creation, and subsequent target habitat conditions will be created, enhanced, and monitored over 30 years following the completion of the capital works required to create them. It is recommended that the HMMP should be in line with the HMMP template produced by DEFRA. Considerations should also be given within any legal agreement to secure resources to allow adequate monitoring over the 30-year period

4.1.5.2 Officer comment: Following the above comments, the applicant submitted further information and Herts Ecology were re-consulted.

4.1.5.3 [Second Comment: Objection]

#### ECOLOGICAL IMPLICATIONS

Thank you for consulting this office on the above application.

Overall Recommendation: The planning officer should either:

1. Refuse the applicant or advise it is withdrawn

or,

2. Request further information from the applicant and re-consult the Ecology Service (LEADS) when it is furnished.

#### Summary of Advice:

- There is still insufficient information on bats to advise determination.
- Only one survey has been carried out in May 2025, and a building with moderate potential requires a minimum of two dusk emergence surveys to be conducted
- The results of the December survey are wholly unreliable since bats are in hibernation and are unlikely to emergence during this time.
- The bat activity is between May and September. Therefore, a second dusk emergence survey completed within the appropriate time of year should be carried out.
- The results of this survey should be submitted prior to determination.

#### Supporting documents:

- Bat Survey Report – Emergence Survey (NRG Consulting, May 2025).

Comments: Subsequent to our previous comments dated 11/06/2025, a bat report has now been submitted containing the results of one further bat emergence survey conducted in May 2025.

The below will supersede our previous advice on bats, however, all other advice in our letter dated 11/06/2025 still stands.

We previously advised that given the date of the last emergence survey that was carried out (December 2024), there was still insufficient information to advise determination. The potential given in the PRA was “moderate” potential, which in line with the Bat Conservation Trust guidelines, two dusk emergence surveys are required within the bat activity period (May-August, and September if the weather remains warm). Since the first survey was conducted in December, this survey should be overlooked since bats are in hibernation and are unlikely to emerge during this time. Therefore, for the LPA to be confident that bats are

likely absent from the building, it is fundamental for the two dusk emergence surveys to be carried out at the appropriate time of year.

The bat report only contains details relating to one dusk emergence survey carried out in May 2025, and there is no evidence of a second survey. As mentioned, the results of the December survey are redundant as they are contradictory to the Bat Conservation Trust guidelines.

Therefore, the proposals should not be approved until another bat emergence survey is carried out before the end of September 2025 (assuming the weather in September is appropriate). The results of this survey should be submitted to the LPA for approval prior to determination.

4.1.5.4 Officer comment: Following the above comments, further information was submitted by the applicant and Herts Ecology were re-consulted.

4.1.5.5 [Third comment: No objection]

#### ECOLOGICAL IMPLICATIONS

Thank you for consulting this office on the above application.

#### Overall Recommendation:

Application can be determined with no ecological objections (with any informatives/conditions listed below).

#### Summary of Advice:

- Bat informative.

#### Supporting documents:

- Bat Survey Report (NRG Consulting, August 2025).

Comments: Advice in our letter dated 11/06/2025 still stands, however the below will supersede our previous objection relating to bats.

Subsequent to our letter dated 06/08/2025, a bat emergence survey was conducted in August 2025. In line with the Bat Conservation Trust Guidelines (2023) for buildings with moderate potential, two dusk emergence surveys at the appropriate time of year have now been carried out. No bats were seen emerging from the building on either survey.

In the unlikely event that bats are found during the works, I advise the following informative should be added to any permission granted:

*"If bats or evidence of them are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.*

4.1.6 TRDC Tree and Landscape Officer: [Objection]

4.1.6.1 [First comment: No objection]

No objection in principle to this, however further information on the landscaping of the front garden following development will be needed, particularly the landscaping around the protected trees.

4.1.6.2 Officer comment: In light of the Landscape Officer comments in relation to landscaping around the protected trees, and in view of the level changes affecting the front of the site,

additional concerns were raised with the agent. Officers were unclear as to whether the engineering operations required would put existing trees along the boundary with Charlotte House at risk and further clarification was sought in relation to retaining walls. Officers were also concerned regarding the extent of hardstanding around the protected trees.

In response, the applicant provided amended plans and an updated arboricultural method statement. The applicant advised that the level of soft bedding around trees T2 and T3 would be sufficient to allow them to develop. The Landscape Officer was re-consulted in relation to the updated information and the following comments were received:

#### 4.1.6.3 [Second comment: Objection]

Further to my previous comments, I do not think the additional plans overcome the concerns regarding the long-term prospect for the trees, allowing sufficient space for their future growth and the impact on them from the extent of hard standing which appears to substantially exceed the 20% advised in BS5837. Even though the swept path analysis indicates that the cars can enter and exit the site, the constrained nature of the front garden for substantial numbers of cars, will lead to a degradation of the tree cover on the front boundary over the long term. Refusal is recommended as the existing trees are unlikely to be able to grow to maturity without causing undue problems of visibility, shading or damage and are likely to result in future requests for significant topping, lopping or felling, resulting in the loss or deterioration of protected trees.

The proposal is contrary to Policy DM6 of the Three Rivers Local Plan 2014

Recommend: Refusal

The submitted plans indicate that the trees to the front garden, protected by TPO, will be retained. However, the proposed landscaping plans indicate that their Root Protection Areas (RPA) will be significantly encroached upon. Even with use of 'no dig' surfacing the extent of hard surfacing and level build up will result in coverage well in excess of the 20% maximum, as stated in the British Standard, BS5837. The current car parking plan appears constrained, and the manoeuvring of vehicles would appear difficult and likely to lead with collisions with retained trees. Highways have advised the production of swept path analysis to demonstrate that vehicle movements can be safely carried out. However, this has not been produced, and if the hard surfacing were to be reduced for the benefit the RPAs of trees and allow for future growth, this would further restrict space for vehicle movements.

As a result, it is not feasible to retain a sufficient amount soft landscaping within the RPA of the trees, without significantly reducing the hard standing to a point where vehicle movements are impossible and the number of parking spaces need to be reduced. Refusal is recommended due to the lack of space to accommodate sufficient parking and vehicle movement space, without resulting in damage to protected trees and constraining the space for their long-term retention.

The proposal is contrary to Policy DM6 of the Three Rivers Local Plan 2014.

4.1.6.4 Officer comment: Officers clarified the above with the Landscape Officer as the comments note that a swept path analysis has not been produced, however, this has been produced. The Landscape Officer provided further clarification as follows:

#### 4.1.6.5 [Third comment: Objection]

Further to previous comments, the additional plans do not overcome the concerns regarding the long-term prospect for the trees, allowing sufficient space for their future growth and the impact on them from the extent of hard standing which appears to substantially exceed the 20% advised in BS5837.

Even though the swept path analysis indicates that cars can enter and exit the site, the constrained nature of the front garden for substantial numbers of cars, will lead to a degradation of the tree cover on the front boundary over the long term. The provision of only five parking spaces for five, two bed roomed, flats would appear inadequate, particularly as there are parking restrictions on The Drive, and is likely to lead to double parking on the driveway, increasing the risk of damage to protected trees.

Refusal is recommended due to the lack of space to accommodate sufficient parking and vehicle movement space, without resulting in damage to protected trees and constraining the space for their long-term retention.

The proposal is contrary to Policy DM6 of the Three Rivers Local Plan 2014.

## **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 6

4.2.2 No of responses received: 164 (some residents have made more than one comment)

4.2.3 Site Notice: Expiry: 31 March 2025

4.2.4 Summary of Responses

### Character

In conflict with NPPF policies.

The development is out of character as the street is characterised by single dwellinghouses. Will set a precedent for the area which would alter the character of the residential area.

The development of five flats would be disproportionate to the size and character of the existing site and surrounding area.

A three -storey block plus roof height is not suitable for this area.

Bulk and mass of the proposed building is out of character. The flats are not in keeping with the architectural style and character of the surrounding area.

The proposal is excessive density or overuse of the site leading to cramped conditions. The site is smaller than others in the vicinity.

Will result in the removal of trees which will impact on the natural beauty of the area.

Trees have been cut down.

Loss of valuable green space which contributes to the character of the street and provides environmental benefits.

Proposal will degrade the sylvan character of the Drive which has TPOS.

Building is not in keeping with the existing architectural style.

Insufficient amenity space.

Will lead to cramped living conditions.

### Privacy and Amenity

Would increase overlooking of the adjacent school which causes safeguarding concerns.

Noise from residents will impact on the educational environment

Air quality would be affected which would impact on pupils at the school, proximity of outdoor play area and learning areas to the development.

Bulk and mass will cause overshadowing

Overlooking to Valley Road.

### Services

The development will put additional strain on local services such as school, healthcare. Drainage, local amenities such as Chorleywood Common and public transport which are already at or near capacity.

No nearby walking facilities for children such as playgrounds, schools, etc so the only way to get there is by car causing traffic issues

Insufficient sewage capacity

### Access and Car parking

Already traffic issues in the area as when traffic from Chorleywood backs up and diverts onto The Drive and surrounding roads.

Majority of residents park cars on the driveway which keeps the road safe and free from accidents.

The lack of car parking on the blind corner creates a hazard and risk of collisions. The development will increase the likelihood of collisions

There are currently restrictions on parking times during the day, and this will create issues with parking.

Additional dropped kerb next to school is unsafe.

Development would require cars to reverse out onto their drive which would be unsafe for passing cars and pedestrians

Development will compromise the safety of children attending the school.

Parking spaces are not of sufficient size as per comments from Highways Officer who notes that there is not 6m behind each bay.

Concerns with visibility due to location of site on a sharp bend.

Current plans are crossing the zig zag keep clear signs currently present for children safety.

High Close is a narrow single tract road on which parking is not possible on either side.

There are not 18 spaces available on High Close as set out in the Parking Survey. Parking on High Close would cause issues for emergency vehicles and other safety issues.

The parking survey conducted is not a fair reflection . It was done in the early hours of the morning and not at school drop off time. In addition, it does not take into account the impact of the weather.

Note that parking survey states there is ample parking on The Climb but this is not the case.

We would ask the Council to apply single yellow line parking restrictions to adjacent roads.

Buses at RMS are not adequate reason to reduce parking as the access to Chorleywood Road is via a steep access which is not viable for many residents.

Parking of contractors during construction would have a severe impact on peak traffic.

No construction management plan

### Wildlife

The bat survey needs to be repeated at the correct time of the year.

Swift bricks are required

Habitats are being destroyed.

### Other Issues

Amended plans do not address previous objections.

Not re-consulted on amended plans.

Paving will increase surface water run off.

Issues raised in relation to the company Ealing Developers Ltd, a company under the control of the applicant.

There would be a need for more bins which would lead to blocked pathways on collection days.

There are covenants which prohibit the construction of flats on the land.

Unnecessary demolition of an existing habitable home further contributes to environmental waste and disruption.

Economic analysis presented is incomplete and has missing data.

Objection to content of viability report, and that this may impact on positive contributions to local affordability

Luxury flats will not be affordable for first time buyers.

A check should be made from the planning archives on the initial application from around October 1975 or March 1978. This may provide good reason for a small property.

Development is legally, environmentally, and socially indefensible and leaves the committee open to legal challenge.

- 4.2.5 Officer comment: Covenants are not a material planning consideration and are a civil/legal matter.

There is no such thing as a precedent in planning terms, and each site is assessed on its own individual merits.

With regard to the impact on healthcare, and schools, the application does not constitute a major planning application, and as such the LPA is unable to seek infrastructure related contributions. However, it is noted that the development would be CIL Liabile.

With regard to the issues raised in relation to the development company, this is not a material planning consideration.

## **5 Reason for Delay**

- 5.1 Ongoing discussions to try to resolve areas of concern.

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

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

In December 2024 the National Planning Policy Framework was revised. 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 PSP1, CP1, CP3, CP4, 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, DM4, DM6, DM7, DM9, DM12, DM13 and Appendix 5.

The Chorleywood Neighbourhood Plan (2020). Policies 2, 3 and 5 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.

The Environment Act

## **7 Planning Analysis**

### **7.1 Principle of Demolition**

7.1.1 The existing detached residential dwelling is not statutorily listed, nor is the site located within a Conservation Area. As such, there is no objection raised to the principle of demolition of the existing dwelling.

7.1.2 It is noted that Chorleywood Parish Council have raised concerns regarding the demolition of a habitable dwelling. Whilst these concerns are acknowledged, this would not be a reason to refuse planning permission.

### **7.2 Principle of Development**

7.2.1 The proposed development would result in a net gain of four residential dwellings. The site is not identified as a housing site in the Site Allocations Document and therefore would be considered as a windfall site. However, as advised in this document where a site is not identified for development, it may still come forward through the planning application process where it will be tested in accordance with the relevant national and local policies.

7.2.2 Chapter 11 of the NPPF promotes the efficient use of land and sets out *that 'planning policies and decisions should promote an effective use of land in meeting the needs for homes and other uses, whilst safeguarding the environment and ensuring safe and healthy living conditions'*. In addition, paragraph 125 of the NPPF emphasises that planning policies and decisions should:

*c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.*

7.2.3 Policy CP2 of the Core Strategy advises that in assessing applications for development not identified as part of the District's housing land supply including windfall sites, applications will be considered on a case by case basis, having regard to:

- i. The location of the proposed development, taking into account the Spatial Strategy
- ii. The sustainability of the development and its contribution to meeting local housing needs
- iii. Infrastructure requirements and the impact on the delivery of allocated housing sites and
- iv. Monitoring information relating to housing supply and the Three Rivers Housing targets.

7.2.4 The application site is located in Rickmansworth which is identified as the Principal Town in the Three Rivers Settlement hierarchy. Policy PSP1 states that development in Rickmansworth will 'focus future development predominantly on sites within the urban area, on previously developed land'. In addition, it sets out that development in the Principal Town

will 'provide approximately 15% of the District's housing requirements over the plan period'. Policy 3 of the Chorleywood Neighbourhood Plan is also relevant and notes that development on brownfield land will be encouraged. In addition, it states *that 'development proposals resulting in a net increase in housing density on an accessible site will be encouraged only if they include necessary infrastructure to support the development including utilities, parking and amenity space to create a sustainable development'*.

7.2.5 Annexe 2 of the NPPF defines previously developed land and excludes land in built up areas such as residential gardens. It is acknowledged that the proposed development would project further into the site than the existing built form and therefore would result in some encroachment onto existing garden land. However, notwithstanding this, part of the site would be considered to be previously developed land and is within the defined Principal Town, within an urban area. As such, there is no in principle objection to residential development of the application site in the context of Policy CP2, subject to consideration against all other material considerations as set out within this report.

7.2.6 An objection received notes that there are covenants on the land which restrict the development of flats. However, the presence of covenants is a legal matter, and is not a material planning consideration.

### 7.3 Housing Mix

7.3.1 Policy CP3 of the Core Strategy sets out that the Council will require housing proposals to take into account the range of housing needs as identified by the Strategic Housing Market Assessment (SHMA) and subsequent updates. The need set out in the Core Strategy is 30% one-bedroom units, 35% two-bedroom units, 34% three-bedroom units and 1% four bedroom and larger units. and type of dwellings as identified by the Strategic Housing Market Assessment (SHMA). However, most recent version of the Local Housing Needs Assessment (LNHA) was finalised in 2024 and is the most recent update to the SHMA. The recommended mix for Three Rivers in terms of market housing, affordable home ownership and social/affordable rented housing identified in the LNHA is shown below:

	1 Bedroom	2 Bedroom	3 Bedroom	4+ Bedroom
Market Housing	4%	21%	42%	32%
Affordable Home Ownership	19%	39%	30%	13%
Social/Affordable Rented Housing	20%	32%	35%	12%

7.3.2 In this case, the applicant is proposing the provision of 2 x 3 bedroom flats, and 3 x 2 bedroom flats which would not accord with the above guidance. However, given the scale of the development, it is not considered that this would prejudice the ability of the Council to deliver housing targets and therefore it is not considered reasonable to raise an objection. The proposed development is therefore considered acceptable and in accordance with Policy CP3 of the Core Strategy (adopted October 2011).

### 7.4 Affordable Housing.

7.4.1 Appendix A of this report sets out the position of the Council and evidence relating to the application of the affordable housing threshold in Policy CP4 of the Core Strategy.

7.4.2 The proposed development would result in a net gain of 4 residential dwellings and as such, the development would be liable for a commuted sum payment in respect of affordable housing. The site is within Highest Value Three Rivers market area where the payment would be £1250 per square metre of habitable floor space. It has been calculated that based upon a habitable floor space of approximately 194 metres (average) that a policy compliant contribution of £242,500 would be required (this would also be subject to indexation).

7.4.3 A Viability Assessment was submitted with the application and sets out that an affordable housing contribution would not be viable. This has been subject to assessment by an independent assessor on the LPA's behalf who concludes that the 'appraisal carried out which includes the benchmark land value of £1,000,000 and the required affordable housing payment of £242,500 shows a deficit negative of £529,866. As such, the proposed development would not be viable to support an affordable housing contribution. Consequently, no objections are made in this regard and the development accords with Policy CP4 of the Core Strategy (2011).

## 7.5 Streetscene & Character

7.5.1 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'. Paragraph 135 of the NPPF relates to design and sets out that planning decisions should '*sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)*'.

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

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

7.5.3 The Chorleywood Neighbourhood Plan is also relevant. Policy 2 of this document sets out that 'all development should seek to make a positive contribution to the streetscene by way of frontage, building line, scale and design'. In addition, it sets out that 'development proposals should seek to maintain local distinctiveness through the built environment, in terms of buildings and public spaces, and enhance the relationships and linkages between the built and natural environment'. Policy 5 of the Chorleywood Neighbourhood Plan is also relevant and advises that '*flatted development will be accepted if built in close proximity to public transport and other locations that are sustainable and near arterial roads (where it can be demonstrated the living conditions of the occupiers will be satisfactory)*'. *Flatted development will usually be limited to three storeys in height unless it can be clearly demonstrated that the proposal would be visually satisfactory in its context taking account of the topography and character of the surrounding area*'.

7.5.4 The Drive and the surrounding roads are generally characterised by single detached dwellings located on large plots with generous spacing between dwellings. Consequently, it is acknowledged that the proposal to provide flats in this location would not necessarily be characteristic of the locality and would result in an increased density on this site.

However, the front elevation has been designed to have the appearance of a single residential dwelling, with one entrance door located centrally providing access for residents. Whilst the building is acknowledged to be large, given the scale of surrounding residential dwellings and their varied design it is not considered that a flatted development in this location can be objected to in principle, particularly given the design approach taken. Furthermore, it is noted that the site is located on a section of the road which is not wholly residential in character as it is located directly adjacent to Charlotte House Prep School, which has a materially different character to the existing residential dwellings in the locality. As such, given that the building has been designed to appear as a single residential dwelling, it is not considered that it would be incongruous.

- 7.5.5 In terms of siting, the proposed building would front The Drive and as such would not constitute a tandem form of development. The proposed block plan indicates that the proposed building would sit forward of the existing residential dwellings to the west, and the adjacent building at Charlotte House. However, the building line on The Drive is irregular and as such, it is not considered that the building would appear unduly prominent in this regard, particularly given it would be located at a lower land level relative to the adjoining highway. Appendix 2 of the Development Management Policies LDD provides further guidance on siting, and notes that the first floor flank walls should be positioned a minimum of 1.2m from the flank boundary, however, this distance should be increased in lower density areas. In this case, the plans indicate that the building would be positioned approximately 1.5m from the boundary with Charlotte House, and approximately 2m from the boundary with no.78. As such, it is considered that appropriate spacing would be retained, in keeping with the character and appearance of the streetscene.
- 7.5.6 Whilst objections have been received by residents in relation to the height of the building, a streetscene drawing has been submitted which demonstrates the ridge height of the proposed building would be lower than both neighbouring buildings and therefore this would prevent the building from being unduly prominent in terms of height. As set out above, the building has been designed to appear as a single residential dwelling from the frontage with the entrance door located centrally. The front elevation of the building would be two-storey in appearance, however, due to the nature of the levels, the plans indicate that only the first-floor element and roof would be readily visible from the front elevation. In terms of the design, the dwelling would have a gabled roof form with two gabled projections located to either side of the dwelling. The submitted information indicates that the building would have a white rendered finish with elements of timber cladding located adjacent to the proposed windows with cladding also installed centrally. Given the varied nature of the streetscene, no objection is raised to the design and proposed external finishes. However, were the development to be viewed as acceptable, a condition could be added requiring full details of external finishes (including digital samples) to be submitted via a condition.
- 7.5.7 Some concerns have been raised by residents, in relation to the scale of the building and that it would be uncharacteristic of the surrounding area. It is noted that due to the land levels, the building would have a three storey appearance to the rear by reason of the provision of a lower ground floor level. This would not be discernible from the front elevation, and as such would not be considered harmful to the visual amenities of the streetscene. It is also noted that the building would be relatively deep by reason of the hipped roofed projection to the rear. However, this would be read against the neighbouring dwellings no.78 and 76 which have deep flank elevations and consequently this would not be uncharacteristic. It is also considered that the hipped roof proposed here acts to minimise the overall bulk and massing. As such, it is considered that the scale of the building would be comparable to others within the vicinity and therefore would not be incongruous in this regard.
- 7.5.8 To the rear, the garden would be used as a communal amenity space and would not be subdivided into individual spaces. Consequently, this would be in keeping with the wider character of the locality where long, rearward gardens are prevalent.

- 7.5.9 Alterations are also proposed to the frontage including the provision of a new vehicular access to create a carriage driveway. This would result in the removal of some vegetation and in addition, the levels would be built up in order to provide a level car parking area for future occupiers. As such, it is acknowledged that there would be an increase in hardstanding on the site. However, there are many residential dwellings within the vicinity with extensive areas of hardstanding. In this case, the proposal would be read next to Charlotte House which has a large area of hardstanding extending across its site which therefore further prevents the development appearing incongruous. Whilst the land would be built up to provide car parking, given that the land levels vary in the vicinity, it is unlikely that this would be unduly prominent in the streetscene. Full details of the surfacing could be required by condition if the development was considered to be acceptable.
- 7.5.10 In summary, it is considered that whilst flats are not characteristic within the locality, the design of the building would ensure that it appears more akin to a single residential dwelling, particularly given that it would be located at a lower land level to the highway. In addition, no objection is raised to the proposed design of the building given the varied nature of buildings in the locality. Consequently, subject to conditions, the development is considered to be acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy, Policy DM1 and Appendix 2 of the Development Management Policies LDD and Policy 2 of the Chorleywood Neighbourhood Plan.

## 7.6 Impact on amenity of neighbours

- 7.6.1 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'. Appendix 2 of the Development Management Policies LDD states that '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 streetscene'
- 7.6.2 The plans indicate that the proposed building would sit forward of the neighbouring residential dwelling (No.78). However, this neighbour is set in from the boundary and thus given the separation, it is not considered that this would result in an overbearing form of development in relation to this neighbour. Likewise, although the building sits forward of the adjacent school buildings, the submitted streetscene indicates that the building would have a lower ridge line and again the separation between the buildings would ensure that it would not be unduly prominent or overbearing in this regard. It is not considered that the building would be overbearing or prominent in relation to neighbours opposite due to the separation by the highway and that the building itself would sit at a lower level in relation to the highway.
- 7.6.3 With regard to two storey development, Appendix 2 of the Development Management Policies LDD notes the following:
- Rear extensions should not intrude into a 45 degree splay line drawn across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of the dwellings and consideration will also be given to the juxtaposition of properties, land levels and the position of windows and extensions on neighbouring properties. See Figure 1 for illustrative examples.*
- 7.6.4 With regard to Charlotte House, the plans indicate that the gabled element of the roof form would intrude the 45 degree by approximately 0.6m and the two storey projection would intrude the 45 degree line by approximately 1.5m. Given the use of the adjacent site and the modest nature of the intrusion at the point nearest to the boundary, it is not considered that significant adverse harm would occur to justify refusal for this reason. The plans do not indicate an intrusion from the adjacent residential dwelling.

- 7.6.5 It is noted that some of the objections raise concerns regarding the redevelopment of the site for flatted development, in particular, that the proposal would result in overlooking to Charlotte House, an existing school. These concerns are acknowledged, however, Charlotte House is located in an established residential area and is already located immediately next to a residential dwelling. Furthermore, it is not unusual for residential developments to be located immediately adjacent to school sites. Whilst it is acknowledged that the use of the site would be intensified, it is not considered that this would result in increased harm to justify refusal on this basis. In addition, there are no windows proposed in the flank elevations facing towards Charlotte House. It is acknowledged that the rear facing windows would have some outlook towards Charlotte House, however, this would not be significantly different from the existing situation and furthermore, it is again emphasised that it is not unusual for schools to be located next to residential developments. Consequently, it is not considered that a reason for refusal can be substantiated on this basis.
- 7.6.6 The plans indicate the provision of a terrace serving Flat 3, which would be set at first floor level (due to the nature of the land levels on site). Some concern was raised during the course of the application in relation to overlooking to Charlotte House School. In response, the applicant has provided a privacy screen with a maximum height of 2.1m which would minimise overlooking impact to Charlotte House. In addition, the amended plans illustrate the provision of 2m high fencing along this boundary.
- 7.6.7 A number of windows are proposed facing towards the adjacent residential dwelling. However, given the nature of the rooms they serve, including kitchens, bathrooms and an office, it is considered that if the development were acceptable, they could be conditioned to be obscure glazed and top vent opening only. Residents to the rear of the site on Valley Road have raised concern in relation to overlooking. Appendix 2 of the Development Management Policies LDD sets out that a back- to -back distance of 28m is required between residential dwellings although states *that 'distances should be greater between buildings in excess of two storeys (especially dwellings/flats) with elevations which directly face one another or in situations where there are level differences involved'*. The .T residential neighbours located on Valley Road are located in excess of 90m from the rear boundary of the application site which is ample to prevent any harm to these neighbouring dwellings.
- 7.6.8 In summary, the proposed development is considered acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.
- 7.7 Quality of accommodation for future occupiers.
- 7.7.1 Appendix 2 of the Development Management Policies sets out amenity space standards for residential developments and states the following:
- Flats: One bed- 21 square metres  
Additional bedrooms: 10 square metres (space can be allocated specifically to each flat or communally).
- 7.7.2 The proposed development would therefore generate a requirement for 175 square metres of amenity space. In this case, the proposed amenity space would mainly take the form of a communal garden with an area of over 400 square metres which would therefore be sufficient for a development of this size. It is also noted that the lower ground floor flat (flat 1) and one of the ground floor flats (flat 3) would also benefit from individual amenity spaces. Consequently, it is considered that there is sufficient amenity spaces available for use by future occupiers of the site.
- 7.7.3 With regard to the accommodation itself, no objection is raised. However, it is noted that ground floor bedroom windows in the front elevation serving flats 2 and 3 as these windows

would be located in close proximity (approximately 2m) to the retaining wall for the proposed parking area, with the parking area being located at a higher level in relation to these windows. Although the relationship is acknowledged, it is noted that these windows do not serve the main primary living accommodation and that future buyers would be aware of the situation. Furthermore, the plans indicate that the open plan kitchen/living rooms would be located to the rear and would have outlook over the rear amenity space.

- 7.7.4 In addition, some concerns were raised in relation to the privacy of the ground floor windows, as residents would pass by the ground floor bedroom windows in order to access the communal amenity space and bike stores to the rear. In response, the applicant has provided an amended plan which includes a gate adjacent to the front door which would prevent occupiers passing the bedroom windows of flat 3. However, residents could still pass by the front windows of flat 2 in order to access the rear of the site. In order to protect the privacy of future residents, the amended plans include the provision of reflective glass to the front window serving the ground floor bedroom of unit 2. The use of reflective glass means that the privacy of the future occupier would be maintained, whilst providing a view out for the future occupier. It is considered that this would be an appropriate solution and a condition could be added requiring full details to be submitted and approved in writing by the Local Planning Authority in the event that the application was viewed as acceptable.
- 7.7.5 With regard to accessibility, the amended plans have also included cycle ramps to ensure that bikes can be easily moved from the storage areas up to the level of the highway. This is considered to be an acceptable solution and furthermore, future occupiers would be aware of the nature of the land levels on this site.
- 7.7.6 In summary, although the nature of the outlook to the ground floor bedroom windows at the front of the building is acknowledged, it is considered that future occupiers would be aware of the situation. Furthermore, the primary living areas are all considered to benefit from ample outlook and light and thus no objections are raised in this regard. The development is therefore concluded to be acceptable and in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

## 7.8 Trees and Landscaping.

- 7.8.1 Policy DM6 of the Development Management Policies LDD relates to 'Trees, Woodlands and Landscaping'. This sets out that the following:
- 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 criteria of 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 British 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*
- 7.8.2 The application site is heavily vegetated at present, and it is noted that this is characteristic of The Drive which has a largely sylvan character. The application site is subject to a Tree Preservation Order, TPO741 (The Drive, Chorleywood) 2010, which affords protection to the existing trees on site. At present, the site is served by an existing single vehicular access which provides access to a driveway which slopes steeply down to the existing attached garage. There are areas of greenery to the front of the site and set forward of the existing dwelling.

- 7.8.3 Whilst it is acknowledged that the Landscape Officer originally raised no objection to the proposed development, this was subject to further information relating to landscaping, in particular in relation to soft landscaping around protected trees. Given this requirement, concerns were expressed by officers regarding the potential impact to existing protected trees. It was noted that the works to the frontage would result in significant alterations to the land levels, and the need for retaining walls and additional hard surfacing closer to the trees. It was therefore unclear as to how this would impact on protected trees. In addition, officers noted that the existing protected trees would have more vehicles passing around them and closer to them than existing. As such, it was unclear as to whether any further measures would be required to ensure their protection from operational vehicles, for example from residents reversing into the trees as they try to manoeuvre out of the site. Officers expressed concerns that the relationship between the parking area and trees, could lead to pressure from residents for tree works due to inability to manoeuvre easily on the site. Those pressures, and the potential loss of the trees or their amenity value, would be contrary to Policy DM6 of the Development Management Policies LDD. Officers therefore suggested that further information would be required, including swept path drawings which could demonstrate that the parking arrangements work and that residents would be able to manoeuvre around trees.
- 7.8.4 In response to the concerns raised, an updated Arboricultural Method Statement was provided. In addition, the amended plans indicate that the parking bays would be relocated and set further from the trees and closer to the building. The Landscape Officer was re-consulted in relation to the updated information, however, considers that the submitted information fails to overcome the concerns raised. The Landscape Officer has noted that the proposals fail to secure the long-term protection of the trees and would not allow sufficient space for their future growth. In addition, there would be an impact on them from the extent of hardstanding which appears to substantially exceed the 20% advised in BS5837. The Landscape Officer notes that even with the use of 'no dig' surfacing, the extent of hardstanding and level build up will result in coverage significantly in excess of the 20% standard as set out in the British Standard, BS5837. Consequently, the proposed development would be contrary to Policy DM6 of the Development Management Policies LDD.
- 7.8.5 Furthermore, whilst it is acknowledged that the swept path analysis indicates that vehicles could enter and exit the site, the constrained nature of the front garden for cars, is likely to lead to a degradation of the tree cover on the front boundary in the long term. The Landscape Officer considers that the existing trees would be unlikely to be able to grow to maturity without impacting visibility. Similarly there are concerns that they would result in shading or damage which would likely to lead to further requests for significant topping, lopping or felling.
- 7.8.6 In summary, the proposed development by reason of the alterations to the frontage would result in significant encroachment into the root protection areas of existing protected trees. Consequently, the proposed development would fail to allow sufficient space for future growth. Furthermore, the relationship between the car parking bays and existing trees will likely lead a degradation of tree cover on the front boundary over the long term. The existing trees are unlikely to be able to grow to maturity without impacting visibility or resulting in shading or damage and are likely to result in future requests for significant topping, lopping or felling, resulting in the loss or deterioration of protected trees. The loss of protected trees would impact on the sylvan character of the streetscene and thus would be detrimental to the visual amenities of the locality, contrary to Policy CP12 of the Core Strategy and Policy DM6 of the Development Management Policies LDD.

## 7.9 Wildlife and Biodiversity

- 7.9.1 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.

- 7.9.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.
- 7.9.3 Initial objections were raised by Herts Ecology in relation to bats. It was noted that the Bat Survey Report as originally submitted was undertaken in December 2024, which is outside of the bat activity period and was within the peak hibernation period. As such, an emergence survey during this time was considered insufficient and unlikely to give a true representation of whether this building is or has been utilised as a bat roost. As such, the information as initially submitted was considered insufficient.
- 7.9.4 Following this, further information was submitted by the applicant. However, this was still deemed insufficient by Herts Ecology as only one dusk emergence survey had been undertaken rather than two. Consequently, it was deemed that further information was still required in relation to the impact of the proposals on bats.
- 7.9.5 In response, the applicant then provided a second dusk emergence survey which noted that no bats were seen as emerging from the building on either survey. Herts Ecology have therefore withdrawn their objections and have advised that in the event of an approval, an informative should be required reminding the applicant of what to do if bats are found during the course of the development.
- 7.9.6 With regard to other protected species, the Ecology Officer noted that the Ecological Appraisal did not find any other protected species on site. As such, the comments received note that an informative in relation to wildlife should be added in the event of an approval. It is also noted that the Ecology Officer has advised that given suitable habitat within the vicinity, that enhancements should be included in the development plan. Consequently, in the event that the application was deemed acceptable, then a condition requiring the submission of a Species Enhancement Plan should be added as a condition.
- 7.9.7 Therefore, in summary, following the additional information received, it is not considered that the development would have an impact on any protected species and consequently, the development is considered to be acceptable in this regard and in accordance with Policy DM6 of the Development Management Policies LDD.
- 7.10 Mandatory Biodiversity Net gain.
- 7.10.1 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.
- 7.10.2 In this case, a BNG Assessment accompanied the application and demonstrates the site's pre and post development unit values and demonstrates that the site would result in a 15.33% net loss in habitat and a 32.2% net gain in hedgerow units. As such, the scheme would not meet the 10% mandatory biodiversity net gain. No proposals have been submitted as part of the application for the provision for the 10% gain to be made on site. It is noted that the Biodiversity Gain Hierarchy and its effect for the purpose of the statutory framework for biodiversity net gain is set out in Articles 37A and 37D of the Town and Country Planning (Development Management Procedure) (England) Order 2015. This hierarchy (which does not apply to irreplaceable habitats) sets out a list of priority actions:

- first, in relation to onsite habitats which have a medium, high and very high distinctiveness (a score of four or more according to the statutory biodiversity metric), the avoidance of adverse effects from the development and, if they cannot be avoided, the mitigation of those effects; and
- then, in relation to all onsite habitats which are adversely affected by the development, the adverse effect should be compensated by prioritising in order, where possible, the enhancement of existing onsite habitats, creation of new onsite habitats, allocation of registered offsite gains and finally the purchase of biodiversity credits.

7.10.3 As set out above, the Biodiversity Gain Hierarchy requires adverse effects to be compensated by prioritising enhancing existing habitats, then creating new habitats, and after that the allocation of off-site gains and biodiversity credits. In this instance, the development would result in the provision of private garden space for use by future occupiers and therefore the enhancement and creation of onsite habitats would not be appropriate as the LPA would not be able to monitor these in the future. As such, given the nature of the proposals it is considered that the purchase of off-site biodiversity credits is an appropriate means of securing a 10% net gain. Were the development to be considered acceptable, the LPA would then be required to consider the full detail when an application to discharge the Biodiversity Gain Plan condition was submitted. It is noted that Ecology Officer has commented that off-site solutions should be secured via a S106 agreement. However, in response, given the agreement would not be between the LPA and the developer, a S106 agreement would not be required. The developer would be required to provide evidence of the purchase of off-site credits at the time of an application to discharge the mandatory condition

7.10.4 In summary, the development is considered acceptable in that the 10% biodiversity net gain would be secured off site and this would be evidenced as part of the discharge of the mandatory BNG condition. Consequently, no objections are raised in this regard.

## 7.11 Highways, Access and Parking

7.11.1 Access Arrangements: Paragraph 115 of the NPPF advises that ‘in assessing sites that may be allocated for development in plans or specific applications for development, it should be ensured that:

- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users.

7.11.2 Paragraph 116 of the NPPF advises that ‘development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios’.

7.11.3 Policy CP10 of the Core Strategy requires development to demonstrate that it will provide a safe and adequate means of access.

7.11.4 With regard to access, the existing dwelling is served by a single vehicular crossover, whereas the proposed development would include the creation of a second vehicular access. The Highways Officer raised an initial objection, noting that this would not be in accordance with Herts County Council policies. The consultee comments note that any additional access point is considered to be an additional conflict point between vehicles crossing the footway and pedestrians and means that the site gives priority to vehicles rather than pedestrians. Concerns were also raised by the Highways Officer in relation to the proposed parking arrangements. They advised that a swept path analysis drawing should demonstrate that vehicles would not be manoeuvring over the highway footway.

- 7.11.5 In response to the objection raised, the applicant submitted further information which was considered by Herts Highways. The Highways Officer subsequently withdrew their objection, noting that given the fact that the proposals are for more than one dwelling, there would not be sufficient grounds to raise an objection on the grounds of an additional access point. Nevertheless, the Highways Officer considered that a number of conditions were necessary including the submission of swept path analysis tracking to illustrate that cars would be able to use the car parking spaces, turn on site and egress in a forward gear. Any turning areas should not utilise the highway footway which is important given the location of the site as adjacent to an existing school. In response to the consultee comments, officers did not consider that it was appropriate for the above to be secured via a condition, and that this should be demonstrated prior to the grant of any permission for the site.
- 7.11.6 The applicant provided a further response in relation to the conditions required by Herts Highways and stated that it would not be possible for vehicles to turn on site and exit in a forward gear. However, the applicant set out that they did not consider that this was necessary given that The Drive is subject to a 30mph speed limit. In addition, the applicant notes that the County Council's own policy states *'that this is acceptable and is unacceptable where roadways are located on roads with speed limits for 40mph or above. In this instance, The Drive is 30mph and therefore there is no requirement for vehicles to manoeuvre within the site'*. Herts Highways were subsequently re-consulted in relation to the above comments.
- 7.11.7 In response, Herts Highways have advised that they raise no objection to the parking arrangement. The Highways Officer notes that the new vehicle crossover point closest to the school is designed to provide access to only three car parking spaces and that the number of movements associated with this number of parking spaces linked to a residential use would be low and not significant. Given this, and the availability of sufficient visibility for a 30mph speed limit and the requirement to provide sufficient vehicular to pedestrian visibility via a condition, the Highways Officer has confirmed that there would not be grounds from a highway safety perspective to recommend refusal of the application. It is emphasised that visibility splays would be required and a condition has been suggested should the LPA be minded to approve the application. As such, given the comments made by Herts Highways, it is considered that the proposed access arrangements and parking layout would be acceptable and would not have an impact on the safety or operation of the highway network in accordance with the provisions of the NPPF and Policy CP10 of the Core Strategy.
- 7.11.8 Car Parking: Policy DM13 and Appendix 5 of the Development Management Policies LDD sets out off street car parking requirements for developments and advises the following:
- 2 bedroom dwelling: 2 spaces (1 assigned)
- 3 bedroom dwelling: 2.25 spaces (2 assigned)
- 7.11.9 In this case, the following off street car parking provision would be required to be policy compliant:
- Lower ground floor: 1 x 2 bedroom flat = 2spaces (1 assigned)
- Proposed ground floor: 1 x 2 bedroom flat = 2 spaces (1 assigned space)  
1 x 3 bedroom flat = 2.25 spaces (2 assigned spaces)
- Proposed first floor: 1 x 2 bedroom= 2 spaces (1 assigned)  
1 x 3 bedroom= 2.25spaces (2 assigned)
- Total: 10.5 spaces (7 assigned spaces)

- 7.11.10 The proposed development would provide 5 off street car parking spaces, thus providing 1 allocated car parking space per unit. As such, there would be a total shortfall of 5.5 spaces against the maximum standard and a shortfall of 2 assigned spaces. The development would therefore fail to be in accordance with Policy DM13 and Appendix 5 of the Development Management Policies LDD. However, on balance, no objections are raised for the following reasons. The proposed development would provide one allocated space per unit, and there would only be a shortfall of 2 assigned car parking spaces. The site is within a twenty minute walk of Rickmansworth Town Centre and its transport links and amenities. Officers note that the walking route is via a pavement containing street lighting and thus a safe route to services would be achievable. It is noted that an alternative route is also available via a footpath to Chorleywood Road, however, it is acknowledged that this would not be suitable for all pedestrians. It is also noted that the proposed development would provide cycle storage to the rear of the site, with the amended plans indicating ramped access for bikes to ensure that they can easily be manoeuvred on site by future occupiers.
- 7.11.11 It is noted that some of the objections received raise concerns in relation to parking and state that the shortfall in car parking would exacerbate car parking issues within the area and compromise the safety of children attending the school.. It is also noted that a car parking survey has accompanied the application and residents have raised objections to its contents, including that it was undertaken in the early hours of the morning. These concerns are noted, however, the applicant has advised that the parking survey was undertaken during these hours as this was during a time when the highest number of residents would be at home. The parking survey undertaken has found that the on street parking stress within the area is low, and is at less than 10%. This is partly due to the fact that many residents within the vicinity benefit from existing driveways. However, officers do recognise, that there may be increased stress on both parking and traffic in the area at drop off and pick up times, which is the case for many schools within the locality.
- 7.11.12 In addition, officers note that due to the location of the site adjacent to the school, that there are parking restrictions operating at certain times of the day within the locality which means that future occupiers and visitors to the site would need to park on street further from the site if required. Residents have raised concerns that vehicles would be displaced to High Close which is a narrow road or to The Climb. Whilst these concerns are acknowledged, it is noted that other parts of The Drive are not covered by restrictions and therefore vehicles may park further into The Drive and future occupiers would not be reliant only on The Climb or High Close. In addition, the shortfall is not considered so significant that a large number of vehicles would be displaced to result in harm. Furthermore, it is emphasised that Herts Highways have raised no objection to the development from a highway safety perspective.
- 7.11.13 In summary, taking into consideration the comments received from Herts Highways, it is not considered that the proposed development would result in significant harm to the safety of the highway network or the free flow of traffic to justify refusal. With regard to car parking provision, the shortfall is acknowledged. However, for the reasons outlined above, it is considered that this would result in significant harm to justify refusal of the application. Whilst officers acknowledge that there is traffic and parking stress in the area associated with school pick up and drop off times, the shortfall in car parking would not result in increased demonstrable harm to justify refusal. The proposed development is considered to be acceptable and in accordance with Policy CP10 of the Core Strategy and Policy DM13 and Appendix 5 of the Development Management Policies LDD. .

## 7.12 Energy Efficiency

- 7.12.1 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and expected carbon emissions.

7.12.2 Policy DM4 of the Development Management Policies LDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability, This may be achieved through a combination of energy efficiency measures, incorporation of on site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply.

7.12.3 An Energy Report has accompanied the application and sets out that the proposed development would achieve a 59.61% less carbon emissions relative to Building Regulations Part L (2022) and therefore would exceed the requirements set out in Policy DM4 of the Development Management Policies LDD. The report sets out that this would be achieved through the design of the external elements of the building and through the use of an air source heat pump. It is noted that full details of the air source heat pump have not been provided with the application, and therefore, if the development was considered to be acceptable, full details of its siting and any necessary mitigation measures in relation to noise would be required via a condition.

### 7.13 Refuse and Recycling

7.13.1 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.

7.13.2 The plans indicate the provision of bin storage located adjacent to the boundary with no.84. It is assumed that kerb side collection would be required as is the existing situation and no objection is raised. Were the development to be considered acceptable, a full waste and recycling strategy could be secured via a condition. This would be required to ensure that the bins did not obstruct access or the adjoining highway on collection days.

### 7.14 Planning Balance

7.14.1 The LPA cannot currently demonstrate a 5-year housing land supply, and therefore paragraph 11 of the NPPF (2024) is engaged. Paragraph 11 and footnote 8 clarifies "this includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites". The most important policies for determining a housing application are considered to be Policies CP2 (Housing Supply) and Policy CP3 (Housing Mix and Density). In the context of decision-taking Paragraph 11 continues,

*"Plans and decisions should apply a presumption in favour of sustainable development b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless...*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

7.14.2 Therefore, the tilted balance exercise requires planning permission to be granted unless any adverse impact of doing so would significantly and demonstrate outweigh the benefits.

7.14.3 The NPPF identifies that there are 3 dimensions to sustainable development: social, economic and environmental. The development would make a moderate contribution towards making up the shortfall in housing in the district, by adding four dwellings to the overall housing supply. There would also be some limited economic benefits from the construction activities and the future occupiers' ability to assist in supporting local settlements by using nearby amenities, albeit this would be limited.

7.14.4 However, the above analysis has identified that the proposed development by reason of the alterations to the frontage would result in significant harm to trees which are protected by an existing tree preservation order. The extent of encroachment into the RPA by more than 20%, means that the trees would be unable to develop to maturity. Furthermore, whilst technically, vehicles would be able to enter and exit the site, the constrained nature of the frontage and its use will likely lead to a degradation of tree cover along the frontage and result in future pressure for significant topping, lopping and felling. This would significantly impact on the sylvan character of The Drive and the visual amenities of the wider locality. The harm is considered to be significant. It is therefore considered that the adverse impacts of granting would significantly and demonstrably outweigh the benefits.

**8 That the decision be delegated to the Head of Regulatory Services to write to the Planning Inspectorate to confirm that in the absence of an appeal against non-determination, planning permission would have been REFUSED for the following reason:**

*The proposed development by reason of the alterations to the frontage including the increase in hardstanding will result in significant encroachment into the existing root protection of areas of protected trees, allowing insufficient space for their future growth. Furthermore, the constrained nature of the proposed parking area will likely lead to degradation of tree cover along the front boundary. The proposed development would fail to allow the existing protected trees to grow to maturity without impacting visibility or resulting in shading and damage, leading to future requests for topping, lopping and felling. The deterioration or loss of protected trees will be detrimental to the sylvan character of the locality and the visual amenities of the area, contrary to Policy CP12 of the Core Strategy (2011), Policy DM6 of the Development Management Policies LDD (2013) and the NPPF.*

**8.1 Informatives:**

11 The Local Planning Authority has been positive and proactive in considering 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. Whilst the applicant and/or their agent and the Local Planning Authority engaged in pre-application discussions, and the applicant and/or their agent and the Local Planning Authority discussed the scheme during the course of the application, the proposed development as amended fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.