

PLANNING COMMITTEE – 22 October 2026

26/0331/FUL – Demolition of existing workshops and construction of a two-storey building containing 4 residential units (Use Class C3) with accommodation in the roof served by front dormers, side/rear rooflights, solar panels, alterations to vehicular access, with associated car and bike parking, refuse and recycling storage, landscaping works at Greystone Works, The Green, Croxley Green, Hertfordshire

Parish: Croxley Green Parish Council
Expiry of Statutory Period: 19.06.2026
Extension of Time Agreed: 30.10.2026

Ward: Dickinsons
Case Officer: Alannah Stringer

Recommendation: That Planning Permission be approved subject to conditions.

Reason for consideration by the Committee: The application has been brought in to committee at the request of Croxley Green Parish Council, who have raised concerns regarding overdevelopment and the overbearing nature of the development, in addition to inadequate parking and negative impact on neighbouring amenity.

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

<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=TB4J4LQFK5G00>

1 Relevant Planning History

- 1.1 20/1494/FUL - Variation of Condition 2 (Approved Plans) of planning permission 19/2213/FUL (Demolition of existing workshops and construction of a two-storey building containing 4 residential units (Use Class C3) including accommodation within the roof served by dormers to the front and rooflights to side and rear, alterations to vehicular access, associated car and bicycle parking, refuse and recycling storage, landscaping and associated works) to allow for internal alterations to the first and second floor level units. Permitted 22.10.2020.
- 1.2 19/2213/FUL - Demolition of existing workshops and construction of a two-storey building containing 4 residential units (Use Class C3) including accommodation within the roof served by dormers to the front and rooflights to side and rear, alterations to vehicular access, associated car and bicycle parking, refuse and recycling storage, landscaping and associated works. Permitted 28.05.2020
- 1.3 16/1366/FUL – Demolition of existing workshops and construction of three storey building containing six one bedroom flats and associated car parking and landscaping. Refused 18.08.2016.

R1 In the absence of an acceptable redevelopment scheme for the site the demolition of the existing building(s) would lead to a vacant site with no permitted use or buildings, which would be detrimental to the character and appearance Conservation Area. The proposal would therefore be contrary to Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

R2 The proposed development by reason of its siting, scale, height, design, proposed material, lack of amenity space and limited soft landscaping would be a cramped, visually prominent and intrusive form of development which would fail to preserve the amenities of the locality and wider Conservation Area contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

R3 The proposed development by reason of its siting, scale, height, design including proposed materials and siting of windows would be a visually intrusive and prominent form of development which would result in unacceptable levels of both actual and perceived overlooking to the residential occupiers of New Parade, and The Cottage, The Green. Furthermore, the proposed development by reason of its size, scale and siting would result in inadequate amounts and quality of amenity space, detrimental to the amenities of the future occupiers of the site, contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013). The application was subsequently dismissed on appeal (appeal reference APP/P1940/W/16/3161584).

- 1.4 12/0662/FUL – Demolition of existing buildings and removal of commercial use, construction of a two storey residential building comprising four no. two bed flats. Permitted 03.07.2012.
- 1.5 10/2071/FUL – Demolish the existing buildings, removal of commercial use and construct a two storey residential building comprising six no. one bed flats. Refused. 07.12.2010.

Refused for the following reasons:

R1 The proposed development by reason of its size, scale number of units, layout, siting and position of buildings would result in inadequate amounts and quality of amenity space provision for the proposed dwellings which would be detrimental to the amenities of the future occupiers of these units, contrary to Policies GEN1 and GEN3 and Appendices 1 and 2 of the Three Rivers Local Plan 1996-2011 (adopted 2001).

R2 The proposed development by reason of its siting, scale, bulk and horizontal detailing and emphasis would result in a cramped development out of character with features of adjacent buildings, and would fail to preserve or enhance the character or appearance of the Conservation Area; contrary to Policy C1 of the Three Rivers Local Plan 1996-2011 (adopted 2001).

R3 The proposal would provide insufficient off-street parking provision to meet the needs of the development. The failure to provide adequate off street parking elsewhere to serve the development that would be detrimental to the amenities of neighbouring residents by reason of disturbance and general activity and to highway and pedestrian safety and the free flow of traffic. As such the proposed development would fail to comply with Policies T7, T8, GEN1 and GEN3 and Appendices 1 and 3 of the Three Rivers Local Plan 1996-2011 (adopted 2001).

R4 The proposed development fails to demonstrate how renewable energy systems would be incorporated into the building to achieve sustainable design and aim to be a carbon neutral development. This fails to meet the requirements of Policy ENG1 of the East of England Plan, Policy GEN1 and Appendix 1 of the Three Rivers Local Plan 1996- 2011 (adopted 2001) and the Adopted Supplementary Planning Document – Sustainable Communities (2007).

The application was subsequently dismissed on appeal (appeal reference APP/P1940/A/11/2153809).

2 Description of Application Site

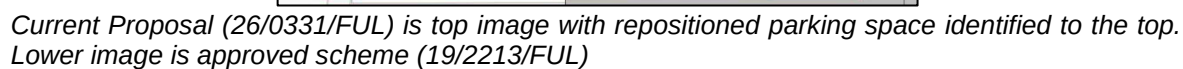
- 2.1 The Greystone Works is located to the rear of New Parade, The Green. Historically the site has been used for storage and as a roofing contractor's yard. The site contains a single storey building that is separated into four individual units. Two further single storey buildings are sited to the rear and an external storage area is sited to the south of the site. The site boundaries consist of single storey brick walls of the buildings and other brick walls sited around the boundaries of the site.

- 2.2 The site is served by a vehicular access to the south. The site can also be accessed via New Parade.
- 2.3 Immediately to the east of the site of the site is New Parade. This is a three-storey building consisting of commercial units at ground floor level and residential units at first and second floor level. These appear to be served by amenity areas located above ground floor projections facing towards the application site. A service area is sited to the rear of the building.
- 2.4 The Cottage is located to the north of the site. This is a detached residential dwellinghouse set back from The Green behind New Parade; there is also a vehicle access to The Cottage from Windmill Drive to the rear of the site. To the south of the site is an existing building which appears to be associated with the existing commercial units fronting The Green. To the west of the site is Windmill Drive, and beyond that the rear garden boundaries of properties 13-19 Windmill Drive which are approximately 8 metres from the application site.
- 2.5 The application site is located in Croxley Green Conservation Area. There are also 3 nearby listed buildings including Church of All Saints (List Entry Number 1100842) which is approximately 42m to the east of the application site; K6 Telephone Kiosk All Saints Church (List Entry Number 1347867) which is approximately 27m east of the application site; and The Windmill, Windmill Drive (List Entry Number 1100797), which is located approximately 103m to the southeast of the site. All listed buildings in the vicinity are separated from the application site via intervening residential or commercial development.

3 Description of Proposed Development

- 3.1 This planning application seeks planning permission for the demolition of existing workshops and construction of a two-storey building containing 4 residential units (Use Class C3) with accommodation in the roof served by front dormers, side/rear rooflights, solar panels, alterations to vehicular access, with associated car and bike parking, refuse and recycling storage, landscaping works.
- 3.2 The existing buildings would be demolished and the external commercial storage area removed. The proposed replacement building would have a maximum depth of 14m, width of 15.8m and maximum height of approximately 9m with 8.3m high subordinate projections. The proposed development would have a crown roof with two subordinate pitched roof projections to the flank. The building would consist of four two-bedroom flats (two at ground and two at first floor and roof level). The second-floor accommodation would be served by two front dormers, each of which would have a width of 1.3m, height of 1.7m and depth of 1.9m, and rooflights to the flanks, rear and within the flat roof form.
- 3.3 The development would be set back a minimum of 0.9m from the front boundary of the site, set in 4.9m from the northern boundary, 2.7m from the southern boundary and 1m from the rear boundary.
- 3.4 The proposal would include the provision of five parking spaces along the frontage with two private amenity areas serving the ground floor flats and a shared amenity space sited along the northern aspect of the site. A bin and bike store would be sited along the northern boundary which would have a maximum height of 2.7m with a flat roof, width of 5.4m and depth of 2.5m.
- 3.5 Additional information was submitted during the application relating to highways technical details and visibility splays. Following continuous consultation with Hertfordshire County Council Highways and ongoing discussions with the applicant, amended plans were provided which altered the parking arrangements to ensure visibility splays could be achieved.
- 3.6 The proposal under consideration is identical to the previously approved application 19/2213/FUL. The only physical alteration to the approved scheme is the relocation of one

3.7 In addition to the above, whilst the previous scheme was subject to an Affordable Housing Contribution, the current application is not viable to make a contribution. This is demonstrated by the submitted Viability Report, and agreed by the Council's external assessor, as discussed in more detail below.



4 Consultation

4.1 National Grid (Gas): No response received.

4.2 Croxley Green Parish Council: [Objection and Call In]

Croxley Green Parish Council objects to this planning application and notes that it is within the Conservation Area.

CGPC considers the proposed application is overdevelopment of the site on limited space, the scale of the application is overbearing, CGPC Considers a lower two-storey building would be more suitable on this site.

There is inadequate parking provision, especially considering this is on a small service road as main access. It will overlook neighbours' gardens, particularly those on Windmill Drive.

If the officer is minded to approve, CGPC requests the application be called in for decision by the TRDC planning committee.

4.3 Conservation Officer: [No Objection]

Greystone Works is in Croxley Green Conservation Area which has a Conservation Area Appraisal (CAA) adopted in 1996. There are three Grade II Listed Buildings nearby which are listed below. However, due to existing intervening development and limited views from and towards the listed buildings, they would not be impact by the proposal:

- Church of All Saints (List Entry Number: 1100842)
- K6 Telephone Kiosk All Saints Church Croxley Green (Listed Entry Number: 1347867)
- The Windmill, Windmill Drive (Listed Entry Number: 1100797)

It is proposed to demolish the existing buildings on the Site and replace them with a cruciform two-storey building containing 4no. x 2 bed residential units with private and communal amenity space, cycle and bin storage and car parking facilities.

There is no heritage objection to the demolition of the existing units and redevelopment of the Site. The principle has been agreed through a similar approved application 12/0662/FUL. This previous approved (now expired) scheme was sensitively designed as a pair of semi-detached houses in a more vernacular style in keeping with the character of the Conservation Area.

The current proposal is identical to that granted permission in 2019 (19/2213/FUL), which has now lapsed, with later variation under 20/1494/FUL. The current application has been accompanied by a Heritage Impact Assessment (HIA).

The HIA states that the application proposals would effect a change in the appearance of the Conservation Area but would overall enhance its character. Some of the reasons given are that the existing buildings are of poor quality, that the new building would use local building materials common elsewhere within the Conservation Area and that detached buildings in larger plots are common within the Conservation Area.

These points are acknowledged. However, as stated in the heritage response to the previously approved scheme 19/2213/FUL there are concerns in relation to the design as a neo-Georgian style which has the appearance of a single, large dwelling with a central formal doorway and secondary side entrances. The bulk and formal symmetrical design of the proposal would appear isolated and incongruous in a street scene with a subservient appearance, which is characterised by the rear elevations and boundary treatments of properties along The Green and Windmill Drive within the street scene.

The principle of a residential building here is acceptable and the previously granted permission for the same proposal is acknowledged. However, there is an opportunity to enhance the appearance of this part of the Conservation Area and the current proposal, for the reasons previously highlighted would not achieve this. It is considered that the design could be improved.

Regarding Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the proposal does not preserve or enhance the character and appearance of the Conservation Area. The inappropriate design is considered to cause a low level of less than substantial harm to the significance of the Conservation Area.

4.4 Hertfordshire Highways – Consultation 1: [Objection]

Initial Consultation Response dated 30 April 2026.

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:

1. Insufficient details have been submitted to demonstrate that the proposed transport and access arrangements are acceptable and sufficient. The proposals are therefore contrary to policy guidelines as outlined in the National Planning Policy Framework (NPPF) and Hertfordshire County Council's (HCC) Local Transport Plan 4 (LTP4).

Comments

The development site is located on Windmill Drive an unclassified local access road considered highway maintained at public expense and subject to a 30mph speed limit. On Hertfordshire County Council's Place and Movement network, Windmill Drive is categorised as P2/M1 (e.g. Residential Street). No reportable highway collisions recorded within the immediate vicinity of the application site (5-year rolling). No Public Right of Way (as shown on the PRow map) directly affects the site or would be affected by the proposal. The county council considers Arden Way not to be a traffic sensitive road.

The Highway Authority is recommending refusal due to insufficient information concerning two matters.

The first is that some of the land contained within the red line in site drawing 1003-(PL)012-A is considered highway maintainable at public expense. For the Highway Authority to understand the proposed plans and the proximity of land considered highway maintainable at public expense we would need the applicant to provide a highway boundary overlay onto the block plan. This would inform us as to whether any land is requiring stopping up in order to proceed with demolishing and/or constructing the proposals.

Highway boundary plans can be secured following the link below:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx>

Second, the Highway Authority notes that the proposed dropped kerbs and vehicle crossovers at the front of the property will require unobstructed visibility splays of 2.4m by 43m (the Highway Authority would allow smaller visibility splays based on recorded 85th percentile speeds on Windmill Drive, congruent with Manual for Streets table 7.1). We note that at the northern boundary (according to most recent satellite imagery) there appears to be both a smaller picket style fence and a taller fence and hedgerow. It is not clear that a visibility splay is possible without being obstructed by third party land. We thereby request that visibility splay plans are provided to ensure access arrangements are safe in line with the NPPF and Hertfordshire's LTP4 (Local Transport Plan).

Finally, the Highway Authority would recommend the provision of cycle parking spaces within the proposals; if the two issues above are satisfied the HA would recommend the inclusion of a condition requiring this.

4.4.1 Hertfordshire Highways – Consultation 2: [Objection]

Second Consultation Response date 29 June 2026 (following provision of visibility splays)

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 reasons:

Insufficient details have been provided to demonstrate a sufficient level of available vehicle-to-vehicle visibility. This means that the Highway Authority has not been provided adequate information to confirm that the proposals do not have the potential to interfere with the safe flow of users on the adjacent highway due to the lack of a sufficient level of available vehicle to vehicle visibility (or vehicle to pedestrian visibility) at the proposed access point. The proposals are therefore contrary to policy guidelines as outlined in the National Planning Policy Framework and Hertfordshire's Local Transport Plan 2018.

The Highway Authority provided a response in May recommending refusal for this application due to insufficient information relating to access arrangements - specifically vehicle-to-vehicle visibility at the northernmost proposed access point. The applicant has subsequently provided visibility splays but this has not been drawn correctly in line with Manual for Streets (MfS).

MfS states, for the y distance, that: "The Y distance represents the distance that a driver who is about to exit from the minor arm can see to his left and right along the main alignment. For simplicity it is measured along the nearside kerb line of the main arm, although vehicles will normally be travelling a distance from the kerb line. The measurement is taken from the point where this line intersects the centreline of the minor arm."

The provided visibility splays have not been measured along the nearside kerb and site drawing 1003-(PL)030-A, if anything, demonstrates how limited the visibility could be at the northern junction; practically the whole junction is outside of the visibility splay provided.

We would recommend amended visibility splays are provided ensuring congruence with Manual for Streets sections 7.5, 7.6 & 7.7. We would also reiterate that we would be happy to lower the y distance of the splay if lower speeds can be evidenced by a survey. If recorded speeds show an 85th percentile lower than 30, we would accept splays with the measurements outlined in table 7.1 of MfS.

4.4.2 Hertfordshire Highways – Consultation 3: [Objection]

Third Consultation Response date 10 July 2026 (following receipt of Highway Technical Details, Highway Boundary Plan and Visibility Splays)

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 reasons:

1. Insufficient details have been provided to demonstrate a sufficient level of available vehicle-to-vehicle visibility. This means that the Highway Authority has not been provided adequate information to confirm that the proposals do not have the potential to interfere with

the safe flow of users on the adjacent highway due to the lack of a sufficient level of available vehicle to vehicle visibility (or vehicle to pedestrian visibility) at the proposed access point. The proposals are therefore contrary to policy guidelines as outlined in the National Planning Policy Framework and Hertfordshire's Local Transport Plan 2018.

The Highway Authority has been notified of further information having been submitted relating to this application. We were also notified by the Local Planning Authority of a number of points made by the applicant relating to the speed and volume of vehicles and the overall context of this on Windmill Drive.

We do accept that the cul-de-sac nature of this location would limit the number of vehicles entering and exiting the road, and that these vehicles would be unlikely to be travelling particularly fast. Resultantly we do accept that a reduced x and y visibility splay would be acceptable, say for instance a 2m x 25m splay. Manual for Streets states:

"A minimum figure of 2m may be considered in some very lightly-trafficked and slow-speed situations, but using this value will mean that the front of some vehicles will protrude slightly into the running carriageway of the major arm. The ability of drivers and cyclists to see this overhang from a reasonable distance, and to manoeuvre around it without undue difficulty, should be considered."

Similarly, on the basis that speeds are lower than 30mph, we would accept a 25m SSD in line with Table 7.1 and 20mph speeds.

However, submitted splays continue to demonstrate that even a 2m x 25m may not be possible for Bay 5 when taking into account the neighbouring fence to the north. This could be obstructed at any point and third party land should not be used within a visibility splay for that reason. The onus is on the applicant to prove otherwise or amend their plans in order to satisfy these requirements.

Furthermore, the applicant has provided a highways boundary plan outlining land considered highway at public expense. Now that this is confirmed, the applicant will need to confirm whether they intend to stop up this section of the highway to remove its highway rights. We would request a further plan outlining this section as due to be stopped up. The Highways Act, Section 137 states that it is an offence to obstruct the free passage along a highway without lawful authority or excuse.

A parked vehicle on Bay 5, where highway land (albeit a small amount) is identified, would be an obstruction to this.

We are therefore reiterating our recommendation of refusal until these two points can be satisfied.

4.4.3 Hertfordshire Highways – Consultation 4: [No Objection, subject to conditions]

Fourth and final consultation response dated 18 August 2026 (following provision of amended plans which demonstrate movement of Parking Bay 5 and amended technical details including visibility splays).

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:

COND1): Provision of Access and Parking

Prior to the first occupation of the development hereby permitted the proposed access works and on-site car parking areas 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).

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:

AN1) Works within the highway (section 278): 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction work commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN4) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

Comments

Introduction

The Highway Authority has already provided three responses for this application, once in May and twice in July. All previous responses were recommendations of refusal relating to the safety concerns related to access arrangements. The main contention surrounds the potential (or lack thereof) ability of the site to achieve adequate levels of visibility for vehicles travelling southbound on Windmill Drive, as private property associated with The Cottage could potentially obstruct sightlines, especially when the parking associated with this site is proposed to be located adjacent to this boundary.

The applicant has - since our last response - amended their parking plans to move their fifth parking space (the most northerly space) to join up with the other two spaces nearby in order to maximise the potential for visibility. This response from the Highway Authority reflects this amendment.

The development site is located on Windmill Drive an unclassified local access road considered highway maintained at public expense and subject to a 30mph speed limit. On Hertfordshire County Council's Place and Movement network, Windmill Drive is categorised as P2/M1 (e.g. Residential Street). No reportable highway collisions recorded within the immediate vicinity of the application site (5-year rolling). No Public Right of Way (as shown on the PRow map) directly affects the site or would be affected by the proposal.

Access

The site holds an existing vehicular access point to the south of the site. This is a vehicle crossover with dropped kerbs. No changes to the existing access are proposed. This access shall allow vehicles to enter the site and utilise two of the five proposed parking spaces. A vehicular access to serve the remaining three spaces is proposed to the northwest of the site. Any works within the highway to facilitate access and parking would need to be technically approved via a Section 278 agreement with the County Council as the Highway Authority. More information on this can be found under advisory note 1 (AN1).

The Highway Authority also feel it necessary to recommend the imposition of a condition requiring the access and parking areas are built prior to first occupation in order to ensure that the relevant access works (including anything built within land considered highway) is completed to the specification of the Highway Authority.

In earlier responses, the Highway Authority determined that based on the speed limit of the road, and in line with Manual for Streets guidance, an unobstructed visibility splay of 2.4m by 43m was necessary to ensure access arrangements were safe and suitable. Since this time, the applicant has provided comments to aid an agreed reduction of the required splay dimensions, based on the true context of Windmill Drive, specifically relating to traffic volume and speeds. Manual for Streets states that in low traffic and speed environments, the 2.4m figure can be reduced to 2m. Additionally, if speeds in Windmill Drive are more likely to be 20mph, then a splay based on this speed can be provided. This means that a visibility cone of 2m by 25m would be acceptable.

Whilst four of the five spaces proposed could achieve this, subsequent submitted documents showed that the most northern space was unable to have unobstructed visibility based on the location of private land to the north. The site layout has since been amended, bringing this space closer to the other spaces, which has resulted in this visibility cone now being achievable. As a result, the Highway Authority removes its recommendation of refusal based on the layout change and the low-traffic and low-speed nature of Windmill Drive.

Stopping up

In previous responses, due to the initial parking layout, the Highway Authority determined that a stopping up order was required in order to facilitate the positioning of parking bay 5. This bay had a small section of land considered highway maintainable at public expense. It is against the Highways Act to park on such land as it is considered an obstruction.

Resultantly, we requested a stopping up plan (see drawing no. 005-1 now 'Superseded Interaction with extent of public highway').

The necessity of stopping up has been removed by the relocation of parking bay 5. The Highway Authority no longer feels it necessary to remove highway rights and would no longer support it as an option. No parking will be taking place on land considered highway maintainable at public expense.

This land should be kept as highway in order to keep visibility lines clear.

Trip generation

The creation of four residential units at this location will not result in a significant increase in the number of trips to and from the site. No severe impact on the highway network is therefore identified.

Parking

As stated above, five parking spaces are proposed for this development. These spaces have been provided with dimensions as recommended by Manual for Streets. HCC as the Highway Authority holds their own design guides which recommend a slight increase of 5m x 2.5m. However, we appreciate that as these spaces are off the public highway, so the national recommendation is acceptable.

The Local Parking Authority shall be responsible for determining whether the level of parking provided is acceptable in line with local parking standards. A secure and covered bike store has been provided.

Accessibility

The site is located in Croxley Green, a medium-sized settlement between Rickmansworth and Watford. Croxley Green contains a number of services including a primary school, recreation ground, church, surgery, community club and a number of public houses.

The nearest bus stop is a 160m walk from the site. The Sportsman Public House stop provides the 320 and 322 services to Hemel Hempstead every 30 minutes. Windmill Drive and surrounding roads contain segregated footways which allow a pedestrian link to the wider area.

Surface water flood risk to the highway

Provision should be made to ensure that surface water does not flow and is not discharged onto land considered highway maintainable at public expense. This is enforceable under Section 163 of the Highways Act 1980. The site has not been located within flood zone 2 or flood zone 3 - areas which have above 0.1% probability of flooding - nor is it identified as at risk of surface water flooding by the 'Flood map for planning' gov.uk website.

Emergency vehicle access

The NPPF states that developments must be accessible to emergency vehicles. In line with building regulations, access for a pumping appliance should be provided to within 45m of a single building (and within 45m of all points within the building). As far as it can be reasonably ascertained from submitted plans, the proposed development would be within the recommended emergency vehicle access distance from the highway.

Access for waste collection vehicles

Required access for waste collection vehicles will not be altered as these vehicles already enter this section of Windmill Drive to serve a number of existing dwellings. A bin storage

point is located to the east of the proposed parking spaces and does not require residents to carry waste more than 30m in line with Manual for Streets.

Conclusion

HCC as Highway Authority has considered the proposal and concludes that it would not give rise to an unacceptable impact on the safety or operation of the surrounding highway. It raises no objections but recommends the inclusion of the above condition and highway informative / advisory notes.

5 Public/Neighbour Consultation

5.1.1 Number consulted: 36.

5.1.2 No of responses received: 20

5.1.3 Site Notice: Posted: 19.05.2026. Expired: 10.06.2026.

5.1.4 Press notice: Published: 15.05.2026. Expired: 06.06.2026

5.1.5 Summary of responses: 20 Objections:

Concerns were raised regarding the following:

- *Significant scale of building would be intrusive/ invasive and result in an overly cramped plot*
- *Proposal represents overdevelopment*
- *Opposition to scale and crown roof and excessive height*
- *Loss of views*
- *Negative impact on neighbouring amenity, including direct overlooking of homes on Windmill Drive – unreasonable levels of overlooking*
- *Loss of light in afternoon and evening to homes on New Parade*
- *The service road is already congested/ busy – the proposal will increase congestion and increase parking pressures locally and obstruct access. Windmill Drive already experiences significant parking pressures and this would exacerbate that.*
- *Inadequate parking*
- *Inadequate external amenity space*
- *Out of character of the locality and would result in harm to the Conservation Area*
- *Construction traffic and construction period will result in a danger to residents and road closures*
- *Represents backland development*
- *Unsuitable housing mix for the area*
- *Swift Bricks should be integrated into the new development (integrated nest boxes) in line with the Hertfordshire Local Nature Recovery Strategy*

Officer Comment:

Private views are not a material consideration in the determination of a planning application. All other concerns raised will be addressed throughout this report.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

S66(1) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant planning permission.

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

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

The Environment Act (2021).

6.2 Statutory Development Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10 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, DM3, DM4, DM6, DM8, DM10, DM13, Appendix 2 and Appendix 5.

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policies Policy SA1 is relevant.

The Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018). Relevant policies include: CA1, HO1, HO2, HO3 and RE2.

6.3 Other Material Considerations

In August 2026 the National Planning Policy Framework (NPPF) was updated. Relevant Policies include: S3, S4, HO7, HO8, HO13, L2, L3, DP3, DP4, TR3, TR4, N2, HE4, HE5, HE6, HE9.

On 31 July 2026 the Regulation 19 Consultation opened on the Three Rivers District Council Local Plan 2026-2042 (Parts I and II). As such, weight can now be given to policies and sites contained within that Plan. Relevant Policies include SP2, HOU1, HOU2, HOU3, EE1, CNZ2A, BGL1, DH1, DH2, TC1, TC2, Appendix 1 and Appendix 3.

Croxley Green Conservation Area Appraisal (1996).

Affordable Housing Supplementary Planning Document (adopted June 2011).

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

7 Planning Analysis

7.1 Principle of Residential Development

- 7.1.1 Relevant to the determination of this application are the following National Development Management Policies (NDMP, 2026) within the 2026 NPPF: Policy S3, Policy S4, Policy HO4, Policy HO7 and Policy L2.
- 7.1.2 The application proposes the demolition of existing workshops and construction of a two-storey building containing 4 residential units (Use Class C3) with accommodation in the roof served by front dormers, side/rear rooflights, solar panels, alterations to vehicular access, with associated car and bike parking, refuse and recycling storage, landscaping works.
- 7.1.3 The application site has not been allocated as a housing site by the Site Allocations Local Development Document, and as such is not currently identified as part of the district's housing land supply. The site has also not been allocated as part of the Site Allocations set out in Part 1 of the emerging TRDC Local Plan (2026 – 2042), which is currently undergoing a Regulation 19 Consultation. As such, the site should therefore be considered a windfall site.
- 7.1.4 Policy CP2 of the Core Strategy (adopted 2011) states that applications for windfall sites will be considered on a case-by-case basis, having regard to:
- v. the location of the proposed development, taking into account the Spatial Strategy
 - vi. the sustainability of the development and its contribution to meeting local housing needs
 - vii. infrastructure requirements and the impact on the delivery of allocated housing sites
 - viii. monitoring information relating to housing supply and the Three Rivers housing target.
- 7.1.5 The current Spatial Strategy states that new development will be directed towards previously developed land and appropriate infilling opportunities within the urban areas of the Principal Town and Key Centres, which are identified as the most sustainable locations in the District. This strategy is supported by Policy PSP2 in the Core Strategy which states that future development will predominantly be focused on sites within the urban area.
- 7.1.6 The application site is on previously developed land and is located in the Key Centre of Croxley Green, in close proximity to public transport and amenities. The sustainable and urban location complies with the approach set out in Spatial Strategy and with Policy PSP2 and the National Development Management Policies.
- 7.1.7 TRDC have a current housing land supply of 1.2 years via Three Rivers Housing Land Supply 2025 Update (April 2026) and as such there is a presumption in favour of sustainable development in Three Rivers. The proposal would provide an uplift of 4 new 2-bedroom residential units. Furthermore, the principle of residential development has been established via the granting of a near identical planning permission on the site (19/2213/FUL, amended by 20/1494/FUL), which has now lapsed.
- 7.1.8 Thus, no objections are raised in relation to the principle of residential development on this site, subject to the assessment against all other material planning considerations, benefits and effects.
- ### **7.2 Principle of Loss of Commercial Use**
- 7.2.1 Policy CP6 of the Core Strategy relates to employment and economic development and states that the Council will support development that provides for a range of small, medium and large business premises. In addition, it states that development will continue to focus

employment use within key employment areas within the district. Policy RE2 of the Neighbourhood Plan also highlights that there will be a presumption against change of use from any B Use Classes to residential.

7.2.2 The current application is near identical to the previously approved application (19/2213/FUL). The only physical difference between the proposals is the movement of Parking Bay 5.

7.2.3 The previous planning application has established that the loss of a mixed-use development would be acceptable, and the loss of employment land has also been established in other historic applications. The Officer for the previous planning application set out the following:

'However, the workshops are not located in a key employment area and the submitted details identify that the buildings are of poor quality and has a history of vacancy, as indicated in the Planning Statement and evidenced on site. Furthermore, the principle of the loss of this employment land has been previously agreed. Furthermore, the existing employment use does not integrate well with the predominant residential use of the surrounding area and has limited parking provisions to serve the existing use. The proposed development would also contribute to the housing stock and make a monetary contribution towards affordable housing provision.'

As such, although the proposal would result in the loss of a small employment provision within the district taking into consideration the siting of the site within a predominantly residential area, poor quality of the existing buildings and limited space, no objections are raised to the loss of the small employment contribution that the site provides. Furthermore, there is a significant need for housing within the district of which the proposed development would contribute.'

7.2.4 No physical change in circumstances has occurred at the site which would result in a materially different conclusion being made by Officer's. Notwithstanding this, the assessment below considers new and emerging policies which are materially relevant to the consideration of this application.

7.2.5 Further to the above, the publication of the revised NPPF in August 2026 also introduced National Development Management Policies, the following of which are relevant to this application: L2: Making Effective Use of Land. NMDP Policy L2 sets out that substantial weight should be given to the benefits where a development proposal would achieve one or more of the following: (b). *Making better use of vacant and underutilised land and buildings (such as: by bringing back into residential use empty homes and other suitable buildings; converting space above shops; redeveloping underutilised retail and business sites; and building on or above service yards, lock-ups, car parks and other transport infrastructure which are no longer required).*

7.2.6 The proposal would result in the redevelopment of underutilised and buildings/ the redevelopment of underutilised business sites. As such, it is considered that the principal of the loss of the commercial space is acceptable in this regard.

7.3 Housing Mix

7.3.1 Policy CP3 of the Core Strategy states that the Council will require housing proposals to take into account the range of housing needs, in terms of size and type of dwellings. The most recent Local Housing Needs Assessment was published in 2024 and has identified the indicative targets for market sector dwelling size within the Three Rivers District as follows:

1 bedroom 4% of dwellings
2 bedrooms 21% of dwellings
3 bedrooms 42% of dwellings
4+ bedrooms 32% of dwellings

- 7.3.2 The development would result in 100% two bed units.
- 7.3.3 The SHMA and Core Strategy recognise that the proportions of housing mix may be adjusted for specific schemes to take account of market information, housing needs and preferences and specific site factors. The number of units and bedroom sizes is limited by the size of the site. No objections are therefore raised in relation to the provision of 100% two-bedroom units on the site which would not prejudice the ability of the Council to meet its overall housing needs.
- 7.4 Affordable Housing
- 7.4.1 Policy CP4 of the Core Strategy stipulates that all new development resulting in a net gain of one or more dwellings will be required to provide 45% affordable housing provision. As a guide, the Council will seek 70% of the affordable housing provided to be social rented and 30% to be intermediate. For schemes of between 1-9 units a commuted payment would be accepted. **Appendix A** of this report sets out the position of the Council and evidence relating to the application of the affordable housing threshold in Core Strategy Policy CP4: Affordable Housing.
- 7.4.2 To comply with Core Strategy Policy CP4, the proposed development would be required to provide a commuted sum of £149,250 (prior to indexation) towards affordable housing. Based off of the April 2026 RPI, a policy complaint sum would have been £262,773.92 (inc. indexation).
- 7.4.3 The previously approved scheme was subject to a S106 agreement which secured a commuted sum of £95,000. This was deemed as a viable payment following the submission and review of viability evidence. In calculating the benchmark land value in 2019, it was agreed by the applicant and the external assessor that this value was £280,000. The total build cost at the time of the previous approval was confirmed at £1,531 per m². The value of the resultant properties was identified as an average sales value of £453 per square foot.
- 7.4.4 The current application is from a new applicant, for the same scheme. The previous scheme's planning permission has expired.
- 7.4.5 The current application is accompanied by a Financial Viability Assessment whereby the applicant submitted that it would not be viable to make the commuted sum payment. This was reviewed by the Council's independent viability consultant, Adams Integra. Adams Integra has confirmed that it would not be viable for any commuted sum to be paid. The benchmark land value for the current application is stated to be £312,856.80. The build costs for the scheme in 2026, 7 years after the previous assessment, is stated to be £2,313 per m². The value of the resultant properties for the current application has been identified as averaging of approx. £511 per square foot.
- 7.4.6 The applicant has confirmed that since the previous application, property prices have fallen and construction costs have risen. The changes to the residential market place over the six year period means there is now a different conclusion regarding viability, which has been thoroughly tested and is accepted.
- 7.4.7 Given the above, the application is acceptable in this regard as it has been demonstrated that a financial contribution would not be viable.
- 7.5 Design and Impact on Street Scene and Heritage Assets (Conservation Area and Listed Buildings)
- 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. Policy CP12 of the Core Strategy states that development should 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural

and heritage assets.' Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.

- 7.5.2 In terms of new residential development, Policy DM1 of the DMLDD advises that the Council will protect the character and residential amenity of existing areas of housing from forms of 'backland', 'infill' or other forms of new residential development which are inappropriate for the area. Development will only be supported where it can be demonstrated that the proposal will not result in:
- i) Tandem development
 - ii) Servicing by an awkward access drive which cannot easily be used by service vehicles
 - iii) The generation of excessive levels of traffic
 - iv) Loss of residential amenity
 - v) Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.)
- 7.5.3 Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document (adopted July 2013) set out that development should not lead to a gradual deterioration in the quality of the built environment, have a significant impact on the visual amenities of the area and that extensions should respect the existing character of the dwelling.
- 7.5.4 The site is located within Croxley Green Conservation Area and as such Policy DM3 of the Development Management Policies document is relevant. This stipulates that within Conservation Areas development will only be permitted if the proposal is of a design and scale that preserves or enhances the character or appearance of the area. In relation to demolition, Policy DM3 of the DMP LDD stipulates development involving demolition will only be granted if it can be demonstrated that the structure to be demolished makes no material contribution to the special character or appearance of the area.
- 7.5.5 The Croxley Green Conservation Area Appraisal describes the Croxley Green Conservation Area as overwhelmingly green and open in character and appearance.
- 7.5.6 Policy CA1 of The Croxley Green Neighbourhood Plan requires that development should seek to conserve and enhance the character of the area through careful design and massing of new buildings. The application site is within Character Area 2 as set out within the Neighbourhood Plan.
- 7.5.7 With regards to Conservation Areas and Impact on Designated Heritage Assets, Chapter 20 of the NPPF (2026) and NMDP's HE5 and HE9 are relevant. Policy HE9 sets out that 1) development proposals within or affecting the significance of conservation areas should: a) retain and conserve buildings and other features which make a positive contribution to the character or appearance of the conservation area where possible; and b) consider the areas special architectural or historic interest (as identified as part of the designation of the conservation area) in the design of the development.
- 7.5.8 Policy HE6 (4) sets out that where a development proposal would harm the significance of a designated heritage asset the effect on the designated heritage asset should be weighed against any public benefits resulting from the proposal.
- 7.5.9 The principle of the design, scale and siting of the development has been accepted as per the previously approved planning application. The resulting development would not materially differ in external appearance, subject to the re-positioning of Parking Bay 5 in

from the boundary. Notwithstanding this, the Conservation Officer was consulted on the proposal. In this regard, the Conservation Officer has confirmed that the proposed development would not result in harm to any of the nearby Listed Buildings by virtue of the existing intervening development; however, they have stated that whilst the principle of development within the Conservation Area has been accepted, the proposal would result in the lowest level of less than substantial harm and would not conserve the character and appearance of the conservation area. The Conservation Officer's comments were made under the previous version of the NPPF; under the current NPPF as revised in August 2026, the level of harm would equate to a low level of harm.

- 7.5.10 Whilst due regard is given to the comments provided by the Conservation Officer and the comments submitted by neighbours who are concerned with the impact of the scale and design on the significance of the conservation area, it is considered that the application is not materially different to that which was previously approved, and the reasons set out by previous case officer are material to the consideration of this application.
- 7.5.11 The existing buildings are to be demolished; however, no objection is raised to the demolition of the existing buildings on site as the existing use and built form are considered to detract from the overall character and appearance of the street scene and Conservation Area.
- 7.5.12 The proposed replacement building would be sited within a varied street scene, and this section of the Conservation Area, between the rear of the shopping parade and Windmill Drive does not make a positive contribution to the Conservation Area. The previous officer's report set out that the proposed replacement building would not result in a contrived feature and would not result in any demonstrable harm to the visual amenities of the street scene or character of the area. There would be sufficient spacing to the boundaries which would prevent the building appearing cramped within the plot, and therefore the building would not represent overdevelopment.
- 7.5.13 With specific regard to the height of the building, whilst concerns over the scale are acknowledged and it is accepted that the building would appear more prominent within the street scene than the existing built form and surrounding development, the highest point of the building would be set in a significant distance from both flank boundaries, and the roof form would be hipped, softening its appearance. The proposed building would also not appear out of character as a 2-storey building with roof accommodation given the three-storey building sited to the east of the plot. As indicated on the submitted proposed street scene, the proposed building would appear more limited in scale and would be framed by a building of a larger scale to the rear. As such, it is not considered that the proposed building would appear unduly prominent nor intrusive. Furthermore, the design features such as sash windows, soft landscaping and front porch would be positive features typical of the conservation area.
- 7.5.14 Overall, the proposed development is not considered to result in demonstrable harm to the character and appearance of the Conservation Area. Although it is recognised that a very low level of harm would result to the Conservation Area by virtue of the scale and design the development, as identified by the Conservation Officer, in the planning balance this low level of harm would be clearly outweighed by the substantial weight afforded to new housing which otherwise would be acceptable in accordance with the NPPF and local development policies.
- 7.5.15 In summary, the proposed development would not result in any adverse harm to the character or appearance of the street scene or conservation area. The development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (2011) and Policy DM1, DM3 and Appendix 2 of the Development Management Policies LDD (2013), CA1 of the Croyley Green Neighbourhood Plan the Croyley Green Conservation Area Appraisal and the NPPF (2026).

7.6 Impact on Neighbours

- 7.6.1 Policy CP12 of the Core Strategy states that development should ‘protect residential amenities by taking into account the need for adequate levels of disposition of privacy, prospect, amenity and garden space’.
- 7.6.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in the loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties. Appendix 2 of the DMP LDD sets out that first floor additions should not intrude a 45-degree splay line which taken from a point of the joint boundary level within the rear of the neighbour. However, this principle is dependent on spacing and the relative positions of the dwellings. Consideration should also be given to the juxtaposition of properties, land levels and extensions. Although the 45-degree principle relates to extensions, it is also applicable when assessing the harm arising from replacement buildings.
- 7.6.3 A number of concerns have been raised from residents of neighbouring dwellings regarding overlooking of properties on Windmill Drive and the loss of light to the flats on New Parade.

Impact on neighbours to the North and South: No. 3 The Green and The Cottage

- 7.6.4 The widest parts of the building served by subordinate flank projections would be set in from the northern by a minimum of 5m, and the southern boundary by a minimum of 2.7m. The northern flank of the main body of the proposed building would be set in by 13.7m, and the respective southern flank would be set in by approximately 5.6m. This is in exceeded of the guidance set out in Appendix 2, which advises that a minimum distance of 1.2m should be maintained to prevent the appearance of terracing.
- 7.6.5 Whilst this would be a detached building and therefore would not appear terraced, the proposed spacing – in combination with the hipped projections and roof forms – is considered to prevent the proposed development from resulting an unduly prominent relationships to the neighbours to the north and south and would not result in any harm to the residential amenities of the dwellings to the north and south.
- 7.6.6 With regard to The Cottage, to the north, whilst there would be first floor windows which would be non-obscured, this would not result in unacceptable levels of overlooking of this neighbour’s private amenity space by virtue of their relationship to the neighbouring site and the proposed built form: the proposed side projection would act as mitigation preventing overlooking of first floor windows towards the front of the proposed building; the rearmost flank window would provide some views of the rearmost portion of this neighbours garden, but would not provide views of the private amenity space immediately to the rear of the dwelling. As such, the application is considered acceptable in this regard.
- 7.6.7 With specific respect to any potential impact on No. 3 The Green to the south, it is acknowledged that the proposed building would be adjacent to the flank wall of this property. Whilst the wall of No. 3 The Green abuts the southern boundary and contains a number of high-level obscured windows; this does not appear to contain clear glazed habitable room windows. Although it is acknowledged the south elevation of the proposed building would be clearly visible from the first-floor rear-facing windows at No. 3 The Green. This elevation is set off the boundary by 2.7m and is limited in depth, and so would have a limited impact on the amenities of the occupants of No. 3. The main form of the building would be set further off of this boundary, thereby mitigating harm. Furthermore, the proposed building would not intrude the 45-degree splay line taken from the rear most point of the neighbouring building. Therefore, the proposal would not result in any unacceptable loss of light or harm to the visual amenities of No.3 The Green. In addition, whilst there would be first floor windows to this flank, these would not result in unacceptable levels of overlooking due to the relationship between this neighbour and the proposed building. Furthermore, the siting and scale of the building, and the location of the fenestration, is identical to that which was previously approved.

Impact on New Parade flats

- 7.6.8 With regards to the flatted development, New Parade, the proposed building would be positioned approximately 1.2m from the rear boundary which is shared with this site. The proposed building would introduce built form that would be significantly higher than the existing building however the ground floor level of the neighbouring properties to the rear serve commercial units and as such any loss of light to these units would not justify a reason for refusal.
- 7.6.9 The first and second floor levels of this building serve residential accommodation, and the roofs of the single storey projections are utilised as external amenity space. Although the height of the proposed building and relationship to this boundary is acknowledged, the proposed building would be sited approximately 12.2m from the residential levels of this neighbouring building. In conjunction with the hipped roof form, staggered rear elevation (increased distance between the neighbouring building to the east/ rear and the side projections of the proposed building) and the relationship to the residential levels of New Parade, it is not considered that the proposed building would result in any unacceptable loss of light or harm to the visual amenities of the neighbouring properties. This would also prevent the proposed building from appearing unduly prominent and would not demonstrably affect the use of the external space serving the neighbouring properties.
- 7.6.10 Furthermore, whilst first floor windows are proposed to the rear elevation of the proposed building, the windows within the rearmost elevation would be obscure glazed as indicated by the plans. This would be conditioned on any subsequent planning permission.

Impact on Windmill Drive

- 7.6.11 The neighbouring dwellings to the west, on Windmill Drive, would not result in a loss of light and the building would not appear unduly prominent or unneighbourly given the separation distances, the existing 3 storey development to the rear of the application site, and the design and scale of the proposed development. Whilst concerns have been raised about the relationship between the rear elevations of the dwellings on Windmill Drive and the windows to the front elevation of the proposed building, particularly the first-floor windows and front dormers. A minimum distance of 10m between the rear boundary of closet neighbouring property on Windmill Drive, No. 15, would be maintained. Between the main form of the proposed building and the rear elevation of No. 15, a distance of approximately 24m would be maintained. This would fall short of the guidance set out in Appendix 2 of the DMP LDD, which advises that a distance of 28m between the backs of dwellings should be maintained. However, the proposed building and residential development would not result in a traditional back-to-back relationship with Windmill Drive, whereby the proposed scheme would front towards, rather than away from, these dwellings.
- 7.6.12 Notwithstanding this, the separation distance between the rear boundary of Windmill Drive and the proposed building is sufficient to prevent the scheme appearing dominant or overbearing. Furthermore, a minimum distance of 24m would be maintained between the rear elevation of the closest neighbouring dwelling and the front elevation of the proposed building, which would increase to 27m when measured from the two-storey elevation of this neighbour. It is therefore not considered that the proposed siting of the building and use for residential development and the introduction of dormers within the roof would result in unacceptable overlooking into the neighbouring dwellings or gardens to the west. Furthermore, the measurements stated are the minimum that would be achieved between the proposed development and No.15. A greater separation would be achieved between the proposed development and neighbouring properties to the south of No.15. In addition, the windows within the side projections would have an increased distance from the rear gardens of these neighbours comparative to that of the proposed front dormers and first floor windows and would not result in unacceptable levels of overlooking.

Summary

- 7.6.13 In summary, it is considered that the proposed development, subject to conditions, would not result in significant harm to the residential amenities of any neighbouring residential dwelling or unit.

7.7 Quality of Accommodation for Future Occupants

- 7.7.1 It is considered that the layout of the building would provide acceptable living conditions for future occupants.

7.8 Amenity Space Provision

- 7.8.1 Appendix 2 of the DMP LDD sets out that 1-bedroom flats should be served by 21sqm of amenity space with an additional 10sqm for each additional bedroom.

- 7.8.2 The proposed development would provide 26sqm of external amenity space for the two first floor units, and private amenity space for the two ground floor units. The private amenity space, when discounting the unusable space between the rear of the building and the rear boundary, would total approximately 23.1sqm of amenity space. The total amenity space provided with the development would be approximately 49.1sqm of amenity space.

- 7.8.3 This would be a shortfall of 74.9sqm of amenity space. Whilst this would conflict with the guidance set out in Appendix 2, it is not considered that it would be reasonable to refuse the application on these grounds. The application site is sustainably located within reasonable walking distance of public open space, including The Green, which could be utilised by the residents.

- 7.8.4 The accessible nature of the local green space in conjunction with the amenity space provided on site, is therefore considered acceptable. This is consistent with the assessment of the previous application.

7.9 Wildlife and Biodiversity

- 7.9.1 NDMP N2 of the NPPF (2026) sets out that development proposals should:

f. Minimise any adverse impacts on biodiversity and include features which support priority or threatened species such as swifts, bats and hedgehogs. Development proposals should incorporate integrated nest boxes (commonly known as swift bricks) into their construction unless there are compelling technical reasons which prevent their use, or would make them ineffective

- 7.9.2 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

- 7.9.3 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected because of the application.

- 7.9.4 In line with the national objective to improve the natural environment, the policy requirements of NDMP N2, and Hertfordshire's Local Nature Recovery Strategy, and the appropriate height of the proposed building, it is considered appropriate to attach a condition requiring the installation of 1 swift box (integrated nest box) per residential unit (totalling 4

swift boxes to be installed to the development). The guidance supporting this is set out at Paragraph 017 of the Natural Environment PPG and is further supported by the emerging local plan policy BGL1 (13) and (16).

- 7.9.5 In summary, the proposed development is acceptable in accordance with Policy CP9 of the Core Strategy (adopted 2011) and Policy DM6 of the Development Management Policies document (adopted 2013).

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.
- 7.10.2 An exemption applied in relation to planning permission for development which does not impact on site priority habitat and impacts less than 25 square metres of onsite habitat that has a biodiversity value of greater than zero; and less than 5 metres in length of onsite linear habitat.
- 7.10.3 In this case, the applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application is subject the de-minimis exception (development below the threshold, as set out above). The LPA agrees that the exemption is applicable to this development, as there is extremely limited onsite habitat to impact.

7.11 Trees and Landscaping

- 7.11.1 In ensuring that all development contributes to the sustainability of the District, Policy CP12 of the Core Strategy advises that development proposals should: "i) Ensure that development is adequately landscaped and is designed to retain, enhance or improve important existing natural features; landscaping should reflect the surrounding landscape of the area and where appropriate integrate with adjoining networks of green open spaces".
- 7.11.2 Policy DM6 of the DMP LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards. Policy DM6 also advises that development proposals for new development should be submitted with landscaping proposals which seek to retain trees and other landscape and nature conservation features. Landscaping proposals should also include new trees to enhance the landscape of the site and its surroundings as appropriate.
- 7.11.3 The application site is located within a Conservation Area; however, there are no existing trees or elements of soft landscaping existing within the site. Notwithstanding this, given the hard and soft landscaping proposed for which limited details have been provided, a hard and soft landscaping scheme would be attached to any permission.

7.12 Highways, Access and Parking

- 7.12.1 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking. Policy DM13 in the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out within Appendix 5.
- 7.12.2 Appendix 5 of the DMP LDD sets out that two-bedroom units should be served by 2 parking spaces. The scheme would result in the provision of 8 bedrooms, which would create a requirement of 8 parking spaces. The scheme proposes five parking spaces with each unit allocated 1 space, with 1 space designated for visitors. These parking arrangements would

result in a shortfall of 3 spaces. Notwithstanding this, there are no parking restrictions on Windmill Drive, and the site is sustainably located within a reasonable walking distance to several bus stops and Croxley Green Underground Station. As such, whilst there is a shortfall in parking, this would not justify a reason for refusal.

- 7.12.3 The Highways Authority were also consulted in relation to the proposed development. Following continued consultation with the HCC, amended plans were received by the applicant which altered the position of Bay 5. Following this alteration, and the provision of acceptable visibility splays, HCC withdrew their objection to the proposal, stating that the proposal would not give rise to an unacceptable impact on the safety or operation of the surrounding highway. Whilst no objection has been raised, the following condition has been requested:

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

- 7.12.4 It is considered that the proposed condition is both reasonable and necessary in the interests maintaining highway safety, and therefore if the application is to be approved, a condition would be attached.
- 7.12.5 Although comments provided by neighbours are noted, the development is not considered to result in a significant increase in comings and goings to the vicinity, and is located sustainably, such that the proposed parking arrangements and access are considered satisfactory. The application is therefore acceptable in this regard.

7.13 Energy Efficiency

- 7.13.1 Chapter 5 of the NPPF (2026) sets out that the objective of the policies in this chapter is to support the transition to net zero by 2050 and to shape places in ways which are more resilient to the effects of climate change. It does this by setting out policies to shape places in ways that contribute to radical reductions in greenhouse gas emissions and adapt to the full range of current and potential impacts of climate change, by minimising vulnerability and improving resilience.
- 7.13.2 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 the expected carbon emissions.
- 7.13.3 Policy DM4 of the DMLDD 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. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.
- 7.13.4 The application is accompanied by an Energy Statement prepared by QuinnRoss Energy [P3365-ENE-01] and dated 14 April 2026. The report concludes that subject to the incorporation of the measures outline, the development would achieve a 59% improvement over current Building Regulations, therefore exceeding the requirements of Part L. A condition would be attached to require the development to be carried out in accordance with this report. In addition, as the measures proposed including air source heat pumps and solar panels, a further condition will be attached to any planning permission requiring the

submission of details relating to the siting of PV panels and heat pumps. As such, the application is therefore acceptable in this regard.

7.14 Refuse and Recycling

7.14.1 Policy DM10 (Waste management) of the DMP LDD sets out that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities should be fully integrated into design proposals. New development 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, cyclist or driver sight lines.

7.14.2 The plans submitted include the siting of the bin store. The siting and scale of the bin store is such that there would be no impact on neighbouring or occupier amenity, and there would be no obstruction to the highway or pedestrians. The application is therefore acceptable in this regard.

7.15 Overview/ Conclusion

7.15.1 NPPF Policy S3: Presumption in favour of Sustainable Development sets out that decisions on development proposals should apply a presumption in favour of sustainable development. For proposals within settlements, Policy S4 should be applied.

7.15.2 NPPF Policy S4: Principle of Development within Settlements sets out that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.

7.15.3 Further to the above, Policy HO7 of the NMDP sets out that in applying the policies of the NPPF, substantial weight should be given to the benefits of providing homes which will contribute towards meeting the needs of the community.

7.16 The proposal would result in limited harm to the character of the conservation area and some other limited harm, which would largely be mitigated. The proposal is generally in accordance with the Local Development Plan, and subject to conditions, would be an acceptable form of development. Although some limited harm has been identified, the substantial weight afforded to the provision of new housing, at a time when the LPA cannot demonstrate a 5-year housing land supply, would significantly outweigh the identified harm.

7.17 Taking into account all considerations forming part of the application, and in the context that an almost identical scheme has previously been approved, it is concluded that any adverse impacts would not be outweighed by the benefits, and approval of the application is recommended.

8 Recommendation

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

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

- C2 The development hereby permitted which has not taken place as of yet shall be carried out in accordance with the following approved plans: PL 000 REV A, PL 002 REV A, PL 200 REV A, PL 601 REV A, PL 602 REV A, PL 700 REV A, PL 701 REV A, PL 702 REV A, PL 800 REV A, PL 002 REV B, PL 703, (PL) 032 REV A, CA4075_005_A, 1003 PL012 REV B, 1003 PL600 REV B, 1003 PL603 REV B, PL 001 REV A.

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality and the residential amenity of neighbouring occupiers, in accordance with Policies PSP2, CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM4, DM6, DM8, DM10, DM13, Appendix 2 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) and Policies CA1, HO1, HO2, HO3 and RE2 and Appendix B and C of The Croxley Green Neighbourhood Plan (adopted December 2018).

- C3 The development shall not begin until full details of all proposed construction vehicle access, movements, parking arrangements and wheel washing facilities have been submitted to and approved in writing by the Local Planning Authority. The relevant details should be submitted in the form of a Construction Management Plan and the approved details are to be implemented throughout the construction programme.

Reason: This condition is a pre commencement condition in the interests of highway safety and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

- C4 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

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

- C5 Prior to the commencement of any works above ground level, details of the proposed type and location of swift bricks/tiles to be installed shall be submitted to and approved in writing by the Local Planning Authority. The details shall include provision for a minimum of 1 swift brick per residential unit.

The swift bricks shall thereafter be installed prior to the first occupation of the development hereby approved and permanently maintained thereafter.

Reason: This condition is a condition to maintain wildlife habitat and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013) and NDMP N2 of the NPPF 2026.

- C6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development. The scheme shall include details of size, species, planting heights, densities and positions of any proposed soft landscaping, and a specification of all hard landscaping including locations, materials and method of drainage.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted.

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

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

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area. It is required to be a pre commencement condition to enable the LPA to assess in full the trees to be removed and the replacement landscaping requirement before any works take place, and to ensure trees to be retained are protected before any works commence in the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C7 Before any building operations take place above ground level, plans and details of the photovoltaic panels and air source heat pumps shall be submitted to and approved in writing by the Local Planning Authority. The approved details and energy saving measures detailed within the submitted Energy Statement prepared by QuinnRoss Energy [P3365-ENE-01] and dated 14 April 2026 shall thereafter be implemented prior to the first occupation of the development and permanently maintained thereafter.

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

- C8 Prior to the first occupation of the dwelling hereby approved, details of the proposed boundary treatments to be installed within and to the perimeters of the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall thereafter be installed prior to the first occupation of the dwelling hereby approved and maintained in accordance with the details approved by this condition.

Reason: To ensure that appropriate boundary treatments are proposed to safeguard the amenities of neighbouring properties and the character of the locality in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C9 Prior to the first occupation of the development hereby permitted the proposed access and on-site car parking shall be laid out, demarcated, surfaced and drained in accordance with the approved plans and retained thereafter available for that specific use.

Reason: In the interests of highway safety and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 of the Development Management Policies LDD (adopted July 2013).

- C10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the elevations or roof slopes of the development hereby approved.

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

- C11 Before the first occupation of the building/extension hereby permitted the window(s) in the first floor rear elevation shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

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

- C12 The rooflights hereby permitted shall be positioned at a minimum internal cill height of 1.7m above the internal floor level.

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

9.12 **Informatives:**

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £145 per request (or £43 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

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

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

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

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

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

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development

previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

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

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

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

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

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

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

Development below the de minimis threshold, meaning development which:

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

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

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

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

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

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

- 15 Works within the highway (section 278): 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
- 16 Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
- 17 Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction work commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

- 18 Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.