

PLANNING COMMITTEE - 17 JULY 2025

25/0332/FUL – Demolition of existing outbuilding and erection of two storey detached building containing one, one bedroom flat and one two-bedroom flat (Class C3), including alterations to the existing car park at THE WESTERN, 205 HIGH STREET, RICKMANSWORTH, HERTS, WD3 1BB

Parish: Batchworth Community Council
Expiry of Statutory Period: 23.06.25
Extension of time: 22.07.2025

Ward: Rickmansworth Town
Case Officer: Claire Wilson

Recommendation: That Planning Permission be granted following the completion of a S106 agreement to secure a financial contribution towards affordable housing and amendments to the Traffic Regulation Order

Reason for consideration by the Committee: This application has been called in by Batchworth Community Council due to concerns that the positioning of the building is inappropriate for human habitation for the reasons set out at paragraph 4.1.1.

Application type: Minor Dwellings

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

[25/0332/FUL | Demolition of the existing outbuilding and erection of two storey detached building containing one one-bedroom flat and one two bedroom flat \(Use Class C3\), including the alterations to the existing car park. | The Western 205 High Street Rickmansworth Hertfordshire WD3 1BB](#)

1 Relevant Planning History

- 1.1 23/0678/RSP: Retrospective: Installation of parcel locker facility with bollards. Application permitted. Application permitted.
- 1.2 24/0237/FUL: Demolition of existing outbuilding and construction of three storey detached building to create 3no. x 1 bed flats (Use Class C3) with associated parking and landscaping works; boundary treatments including metal railings. Application **refused** for the following reasons:

The proposed development by reason of its scale and design would result in an obtrusive, prominent and incongruous form of development which would fail to preserve or enhance the character and appearance of the streetscene and the Rickmansworth Town Centre Conservation Area. Having regard to paragraph 208 of the NPPF the development would lead to less than substantial harm to the Rickmansworth Town Centre Conservation Area, and there are no public benefits which outweigh the harm to the Conservation Area. The proposal would be contrary to Policies CP1 and CP12 of the Core Strategy (2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (2013), the Rickmansworth Town Centre Character Assessment and the NPPF (2023).

The proposed development would not contribute to the provision of affordable housing, and it has not been demonstrated that such provision would not be viable. The development therefore fails to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).

In the absence of a Section 106 agreement to remove the ability for future occupiers to obtain parking permits the development would give rise to exacerbation of parking pressure within the Town Centre Locality and therefore fails to ensure that the development is acceptable in accordance with the requirements of Policy CP10 of the Core Strategy (adopted October 2011), Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2023).

The subsequent appeal was **dismissed**.

2 Description of Application Site

- 2.1 The application site contains The Western Public House (a detached three storey building), and its associated parking area located on the southern side of the High Street, directly adjacent to the junction with Wensum Way. The site is located within the Rickmansworth Town Centre Conservation Area which is characterised by a mix of residential and commercial properties of varied architectural design.
- 2.2 The existing public house has a pitched roof with two large historic chimneys and has an external brick finish. To the front of the building at ground floor are two attractive bay windows. The existing building has a garden area located predominately to the side (west) of the building, with this area containing a number of seating areas.
- 2.3 To the rear (south) of the site, is an existing car parking consisting of 10 spaces, served by its own vehicular access from Wensum Way. Within the car park, is an ancillary outbuilding with hipped roof form which is set back from the main highway. To the east of the outbuilding and outside of the application site is the Marks and Spencer Foodhall, a commercial building with large flat roofed projection to the rear. To the west of the site, on the opposite side of the road is Wensum Court which is three storey sheltered accommodation. The building is located on the opposite side of the High Street are predominately residential in use.

3 Description of Proposed Development

- 3.1 The applicant is seeking full planning permission for the demolition of the existing single storey outbuilding and erection a of two storey detached building containing one, one bedroom flat and one two bedroom flat (Class C3), including alterations to the existing car park.
- 3.2 The proposed building would be located to the rear of the existing public house within the existing car park, with the existing single storey outbuilding being demolished to accommodate the proposed development. The proposed detached building would be sited approximately 0.7m from the site frontage with Wensum Way and would adjoin the boundary with the access road to the Marks and Spencer's car park. The building would have a width of approximately 5.1m and a depth of approximately 15.5m. In terms of design, the proposed building would be two storey and would have a pitched roof form with a height of approximately 7.2m. The building would have a brick external finish and tiled roof form.
- 3.3 The flats would be accessed by two separate doors located in the elevation facing towards the existing pub. The one bedroom flat would be located at ground floor level and the two bedroom flat would be located at first floor level. The plans include the provision of sash style windows to both flank elevations and at first floor level in the front elevation, whilst the detailing includes a ground floor bay window in the elevation fronting Wensum Way. An internal bin store is proposed and would be accessed via doors located within the elevation facing towards the existing pub.
- 3.4 The development would be accessed via the existing access from Wensum. The applicant has specified that there would be no allocated car parking provision in respect of the new residential development, with the remaining five on site car parking spaces being retained for the use of the existing pub.

3.5 Amended plans have been received during the course of the application as follows:

- Height increased from a ridge height of 6.8m, to a height of 7.2m
- Detailing of internal bin store door amended and size of internal bin store increased.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: [Objection]

The positioning of the property is inappropriate for human habitation due to the air and noise pollution generated by lorries and cars passing in close proximity to the ground floor windows. There is no amenity space and no privacy for occupants of the ground floor.

BCC would like to call this application into committee unless officers are minded to refuse.

4.1.2 TRDC Conservation Officer: [Objection]

The application is for Retention of the existing public house, demolition of the existing outbuilding and erection of two storey detached building containing one one-bedroom flat and one two-bedroom flat (Use Class C3), including the alterations to the existing car park. The Western is in the Rickmansworth Conservation Area, it makes a positive contribution to the Conservation Area by virtue of its derivation, scale, form and appearance. Due to its historic and architectural interest, it is a non-designated heritage asset.

The previous proposal due to its scale, form and appearance was an incongruous addition to both the Conservation Area and the setting of the non-designated heritage asset. This was confirmed at the appeal of the previous application reference 24/0237/FUL (Appeal Ref: APP/P1940/W/24/3355823), which was dismissed by the Planning Inspector. The Marks and Spencer's building and the flatted development, Wensum Court, do not make a positive contribution to the Conservation Area; they contrast with the scale, form and appearance of the historic development within the streetscene.

Key points made in the appeal decision were as follows:

- The positioning perpendicular to the road and between two car parks would not relate to any rows of development along Wensum Way or the surrounding streets. Instead, it would appear as a visually detached feature prominent against the open car parks.
- The height of the building, at three-storeys, would further increase this visual prominence within the surrounding street scenes. This includes from the High Street where it would be seen in relation to the Western and where it would block views toward the rear of Ebury Road.
- Pitched roofs are more typical of the area and the flat roofs of the modern buildings around the appeal site do not positively contribute to the area.

The current proposal is altered from the previous and consists of a two-storey building with a mansard roof, finished in brick, with a ground floor bay window and one chimney. It would contain a 1 bed flat on the ground floor and 1 x 2 bed at first floor.

In relation to the appeal decision, the height has been reduced, and the flat roof has been replaced with a pitched, mansard roof. However, due to the reduced height the roof appears relatively flat and bulky. In addition, the addition of a row of terraces between two car parks would still appear as a visually detached feature that would be prominent and incongruous in the context of the open car parks.

Based on the Inspectors comments, the principle of development in this location is still questionable in principle and the proposal currently would detract from the prominence of the public house, undermining the ability to appreciate its special interest and the positive contribution it makes to the Conservation Area.

However, if officers are minded to agree the principle of development in this location, alterations should be made to reduce the degree of harm to the setting. A row of terraces is not appropriate, and any new building should appear as ancillary to the pub, in the manner of an outbuilding or coach house and less domestic in appearance. The roof height could be increased slightly to have a steeper and more proportionate pitched roof, provided it did not exceed two storeys.

The proposals would fail to preserve or enhance the character and appearance of the Conservation Area contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 should be considered. With regards to the National Planning Policy Framework the level of harm is 'less than substantial' as per paragraph 215. The proposal would also have an adverse impact on the significance of the non-designated heritage asset, making paragraph 216 also relevant.

4.1.3 Officer comment: Amended plans have been received during the course of the application, with full details of the amendments set out in the development description above. The Conservation Officer has made the following comments in relation to the amended plans:

- A formal heritage consultation response was provided on 21st May 2025, which highlighted several concerns, including the principle of development and the design/character of the proposal.
- It stated that if officers are minded to agree the principle of development in this location, alterations to design could be made to reduce the degree of harm.
- The current proposal has increased the height of the roof slightly to have steeper pitch and has altered one of the doors to appear as an ancillary door, rather than a main front door.
- These alterations are only minor and would slightly reduce the degree of harm in heritage terms. However, they would not fully overcome the concerns raised previously.

4.1.4 Hertfordshire County Council – Highway Authority: [No objection]

Recommendation

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

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

- On-site refuse / recycling store(s) to ensure that they are not stored or any areas of the adjacent highway.

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

2. Cycle Parking

Prior to the first commencement of the development hereby permitted, a scheme for the parking of cycles including details of the design, level and siting shall be submitted to and

approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to first commencement of the dwellings and thereafter retained for this purpose.

Reason: To ensure the provision of cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018)

3. Construction Management Plan

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

- a. Construction vehicle numbers, type, routing.
- b. Access arrangements to the site.
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading /unloading and turning areas).
- e. Siting and details of wheel washing facilities.
- f. Cleaning of site entrances, site tracks and the adjacent public highway.
- g. Timing of construction activities.
- h. Provision of sufficient on-site parking prior to commencement of construction activities.

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

Highway Informatives

HCC recommends inclusion of the following highway informatives / advisory notes (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

AN) 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.

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

AN) 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.

Comments / Analysis: The development proposals consist of two flats on the existing pub site (including retaining the existing pub) at The Western public house, which is located on a corner plot at Wensum Way and High Street. Wensum Way is designated as an unclassified local access road (30mph) whilst High Street is designated as an unclassified local distributor road (20mph). Both roads are classed as P3/M2 (High Street) on HCC's Place & Movement Network.

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

There is an existing bellmouth access into the site from Wensum Way leading to the car park. The existing access is to remain as is with no alterations. There is an existing public footpath fronting the site. There are existing double yellow lines on the highway fronting the site on Wensum Way and High Street.

The application does not include any car parking provision for the 2 proposed dwellings. HCC as Highway Authority's main concern would be any negative effect the proposal would have on the free and safe flow of the highway in the town centre due to the lack of any on-site car parking. However it is unlikely that any effects would be significant enough to recommend refusal from a highway point of view, particularly when taking into consideration the town centre location, the potential for promoting alternative sustainable forms of travel (including public transport) and the existing parking restrictions in the vicinity of the site – all of which would discourage car use.

The site is in a town centre location. Rickmansworth Railway Station is located approximately 300/350m from the site and therefore within an easy walking distance. The nearest bus stop to the site is located approximately 100m and has a shelter, which is within the normally recommended walking distance of 400m from any new dwellings. TRDC as planning and parking authority would ultimately need to be satisfied with the proposals in respect to the levels of car parking (or lack thereof).

The TS states that two cycle parking spaces will be provided, which would be supported by HCC as Highway Authority. Details on the design and location of the cycle would need to be provided as outlined in the recommended cycle parking condition.

The layout of the remaining pub car parking area is shown on submitted plan no. 23.3442.102 P7 and is considered to be acceptable by HCC as Highway Authority.

Refuse, Service and Emergency Vehicle Access: Provision would need to be made for an on-site refuse / recycling storage area for the proposed dwellings, which does not appear to have been shown on the plans at present but should be achievable. The collection method would need to be confirmed as acceptable by TRDC waste management.

All parts of the proposed dwellings would be within 45 metres from the highway on Wensum Way. This adheres to guidelines as recommended in MfS, Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellinghouses (and subsequent updates).

Conclusion: HCC as Highway Authority has considered that the proposal would not have a safety impact or significant impact on operation of the surrounding highway. Therefore, HCC has no objections on highway grounds to the outline application, subject to the inclusion of the above planning condition and informatives.

4.1.5 National Grid: [No objection]

We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our medium and low-pressure assets.

We have no objection to this proposal from a planning perspective; however we need you to take the following action.

What you need to do: To prevent damage to our assets or interference with our rights, please add the following Informative Note into the Decision Notice:

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions. Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 37

4.2.2 No of responses received: 4 (two neutral, two objections from same objector)

4.2.3 Site Notice: Expiry: 10 June 2025 Press Notice: Expiry 27.06.2025

4.2.4 Summary of Responses:

- Pleasing to see that the ecology report proposes 2 integrated swift bricks on the new building. Please secure by way of condition.
- Support the comments made in relation to swift bricks.
- The plans do not show the area accurately.
- The building is in a car park between a noisy pub garden and directly on a main road.
- There is no private amenity space, and the windows face the supermarket vehicle delivery entrance-the new windows could not be left open and may face a barrier to protect the building from lorries.
- Where will previous car park users go?
- The amended plans do not overcome previous objections.

5 Reason for Delay

5.1 Committee cycle.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

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

Due weight should be given to them, according to their degree of consistency with this Framework”.

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

6.2 The Three Rivers Local Plan

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

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

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

The Batchworth Neighbourhood Plan (adopted May 2025). Policies BW C04 and Policy BW DE1 are relevant.

6.3 Other

The Rickmansworth Town Centre Conservation Area Appraisal (1993).

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

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

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

7 **Planning Analysis**

7.1 Background

7.1.1 In 2024, a planning application was submitted at The Western relating to the demolition of the existing outbuilding and construction of a three storey detached building to create 3no. x 1 bed flats(Use Class C3) with associated parking and landscaping works. The scheme proposed a three storey flat roofed building with a maximum height of 8.7m. It was proposed that the western elevation fronting Wensum Way would have an angled appearance with projecting balconies at first and second floor level. The proposed building would have been finished with charred black cladding.

7.1.2 The application was refused, as it was considered that the development by reason of its scale and design would result in an obtrusive, prominent and incongruous form of development such that it would fail to preserve or enhance the character and appearance of the Rickmansworth Town Centre Conservation Area. In addition, the development was

refused on the failure of the development to contribute to the provision of affordable housing, and in the absence of a S106 agreement to remove the ability of future occupiers to obtain car parking permits. The decision was appealed and whilst the applicant overcame the reasons relating to affordable housing and in relation to car parking during the course of the appeal, the Inspector upheld the concerns relating to the impact on the Conservation Area. In determining the appeal, the Inspector stated the following:

The proposal comprises the demolition of an existing single-storey outbuilding in the Western's car park and its replacement with a three-storey block of flats. This building would sit along the boundary with the supermarket car park. Given its positioning perpendicular to the road and between two carparks, it would not relate to any rows of development along Wensum Way or the surrounding streets. Instead, it would appear as a visually detached feature prominent against the open car parks. The height of the building, at three-storeys, would further increase this visual prominence within the surrounding street scenes. This includes from the High Street where it would be seen in relation to the Western and where it would block views toward the rear of Ebury Road.

As noted above, pitched rooves are more typical of the area and, as raised by both parties, the flat rooves of the modern buildings around the appeal site, do not positively contribute to the area. The proposal would include the use of a flat roof, adding to the bulk of the building, and further increasing its intrusiveness as an incongruous feature. Beyond the form of the building, its design and detailing, including the proposed glazing, is also contemporary in style. Whilst it is not necessary that any new buildings be a pastiche of those within a conservation area, the proposed building's articulation would not suitably reflect or sympathetically sit with the form and appearance of those in the surrounding area.

7.1.3 The current scheme has been submitted following the dismissed appeal, with the following changes between the two schemes:

- Reduction from three flats to two flats, and from three storeys to two storey.
- Amended roof form, from a flat roof form to a pitched roof form
- Alterations to proposed materials from cladding to brick work
- Traditional fenestration detail proposed under the current planning application.
- Removal of balconies.

7.2 Principle of Development

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

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

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

d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)

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

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

7.2.4 The application site is located in Rickmansworth which is defined as the Principal Town in the Three Rivers Settlement Hierarchy. Policy PSP1 sets out that development within Rickmansworth will '*provide 15% of the district's housing requirements over the Plan period*'. Furthermore, the supporting text to Policy PSP1 also sets out that there is scope for '*continued infilling within the urban area, primarily on previously developed land, subject to the protection of existing residential and historical character and amenities*'. The land proposed for development is currently occupied by a single storey outbuilding and car park, both associated with the existing pub. It is therefore considered that the land is 'previously developed' and the provision of a building in this location would represent an efficient use of land in accordance with paragraph 125 of the NPPF. Consequently, given the location, current use and brownfield nature of the site, it is considered that it is suitable for redevelopment, subject to assessment against all relevant material planning considerations as set out below.

7.3 Housing Mix

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

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

7.3.2 In this case, the applicant is proposing 1 x 1 bedroom flat and 1 x 2 bedroom flat, and therefore the proposed development would not be in accordance with the above housing mix. However, given the town centre location of the development, it is considered that the nature of the units would be appropriate and acceptable. Furthermore, given the scale of the development, it is not considered that this would prejudice the ability of the Council to deliver housing targets/ The proposed development is therefore considered acceptable and in accordance with Policy CP3 of the Core Strategy (adopted October 2011).

7.4 Affordable Housing.

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

- 7.4.2 The proposed development would result in a net gain of two units, and as such, the development would be liable for a commuted sum payment in respect of affordable housing. The site is within Highest Value Three Rivers market area where the payment would be £1250 per square metre of habitable floor space. It has been calculated that based upon a habitable floor space of approximately 89.3 square metres, that a policy compliant contribution of £111,650 would be required (this would also be subject to indexation).
- 7.4.3 A Viability Assessment was submitted with the application and sets out that an affordable housing contribution would not be viable. This has been subject to assessment by an independent assessor who found that a contribution of £71,987 would be viable. In response, the applicant raised concerns that the assessment relied on BCIS data for build costs rather than the bespoke build cost plan submitted. In addition, the applicant noted that the BCIS rates for flats do not include a rate for a small scheme of 2 units and therefore the level of detail in their bespoke cost plans were more appropriate.
- 7.4.4 These points were raised with the independent assessor who re-assessed the scheme in light of the comments. A further response was then received from the assessor who agreed that the BCIS rates for flats do not include a rate for a small scheme, however, the BCIS rates for houses would and therefore this is normally used for small schemes. In addition, given the small-scale nature of the scheme, the upper quartile rate would better represent the potential build costs for this scheme. Therefore, the report has been updated to include the upper build cost rate for new build flats. In addition, the assessor has advised that they have looked at the allowance in the applicants build cost plan for external works and agree that their figure of £59,122 is fair and reasonable. Based on this, the appraisal results in a revised surplus of £27,367 which can be secured as a viable contribution toward affordable housing provision. The applicant has confirmed that they are in agreement to this figure. Therefore, in summary, the proposal is considered to be in accordance with Policy CP4 of the Core Strategy, subject to the completion of a S106 agreement to secure the contribution.

7.5 Impact on the street scene and the Rickmansworth Town Centre Conservation Area.

- 7.5.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.
- 7.5.2 In terms of new residential development, Policy DM1 of the Development Management Policies LDD advises that the Council will protect the character and residential amenity of existing areas of housing from forms of 'backland', 'infill' or other forms of new residential development which are inappropriate for the area. Development will only be supported where it can be demonstrated that the proposal will not result in:
- i. Tandem development;
 - ii. Servicing by an awkward access drive which cannot easily be used by service vehicles;
 - iii. The generation of excessive levels of traffic
 - iv. Loss of residential amenity
 - v. Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, building frontage line, height, gaps between buildings and streetscape features (eg hedges, walls, grass verges etc).

- 7.5.3 The NPPF sets out that ‘Heritage Assets’ range from sites and buildings *of local historic value to those of the highest significance such as World Heritage Sites’.....These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance*. Paragraph 212 sets out that ‘when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation’ The application site is located within the Rickmansworth Town Centre Conservation Area, with Conservation Areas being considered as designated heritage assets by the NPPF. A non designated heritage asset is a building identified as having a degree of significance because of their heritage interest but do not meet the criteria for being a designated heritage asset. Paragraph 216 of the NPPF states that *‘the effect of an application the significance of a non-designated heritage asset should be taken into account in determining the application In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset’*
- 7.5.4 Policy DM3 of the Development Management Policies LDD is also relevant and relates to Heritage including development in Conservation Areas.. This advises that new development should preserve or enhance the character and appearance of the Conservation Area. Policy BW C04 of the Batchworth Neighbourhood Plan sets out that ‘proposals for new development in Rickmansworth Town Centre should complement the special character of the area, reflected in the height and massing of buildings, as well as the materials used, building styles and roof heights’. Policy BW DE1 is also relevant and seeks high quality design which demonstrates how schemes respond to local character.
- 7.5.5 The proposed development would be located to the rear of the existing Public House, known as The Western. In determining the appeal for application 24/0237/FUL, the Inspector noted that whilst the building has been extended, *‘the siting appearance and form have not been so compromised as to result in the building no longer being of interest as a non-designated heritage asset. Mindful of its age, appearance and siting, I find that the building also contributes to the wider CCA’*.
- 7.5.6 In terms of siting, the development would be located to the rear of the existing pub, however, it would front an existing road and thus would not constitute a tandem form of development. Appendix 2 of the Development Management Policies LDD also provides further guidance on siting and notes that generally the first-floor element of a two storey building should be set back from the boundary by 1.2m to prevent a terracing effect and to maintain appropriate spacing within the streetscene. In this case, the block plan indicates that the building would be located adjoining the southern boundary of the site which would therefore be contrary to the above guidance. However, in this case, no objection is raised, as the building would sit next to the entrance to the existing Marks and Spencer Car Park and thus a terracing effect would not occur. Given the lack of built form immediately adjacent, it is not considered that the development would not appear unduly cramped in this regard.
- 7.5.7 It is noted that the application site has been the subject of a previously refused application and subsequent appeal which proposed the provision of a three storey building providing three flats. In dismissing the appeal, the Inspector noted the following:
9. *...Given its position perpendicular to the road and between two car parks, it would not relate to any rows of development along Wensum Way or the surrounding streets. Instead it would appear as a visually prominent feature prominent against the open car parks. The height at three storeys would further increase this visual prominence within the surrounding street scenes. This includes the High Street where it would be seen in relation to the Western and were it would block views towards the rear of Ebury Road.*
10. *As noted above pitched rooves are more typical of the area and, as raised by both parties, the flat rooves of the modern buildings around the appeal site, do not positively contribute to the area. The proposal would include the use of a flat roof, adding to the bulk of the building, and further increasing its intrusiveness as an incongruous feature. Beyond*

the form of the building, its design and detailing, including the proposed glazing, is also contemporary in style. Whilst it is not necessary that any new buildings be a pastiche of those within a conservation area, the proposed building's articulation would not suitably reflect or sympathetically sit with the form and appearance of those in the surrounding area.....

13. In light of the above, the proposal would result in harm to the CCA and the Western, an NDHA.

- 7.5.8 It is acknowledged that the proposed building would still be sited in the same location, sitting between two open car parks and therefore would appear as a prominent feature, particularly in comparison to the existing single storey detached building which currently sits to the rear of the site. However, the scale and design of the building is materially different to that previously dismissed on appeal. The applicant has adopted a more traditional design approach, proposing a two -storey building with pitched roof form, rather than the three-storey flat roofed building previously refused. It is noted that the original comments received from the Conservation Officer considered that the roof form still appeared somewhat bulky and flat and suggested that the height could be slightly increased in order to minimise this perception. In response, the applicant has retained the overall design of the roof form, however, has increased the ridge height by approximately 0.4m. In addition, the Conservation Officer raised concerns that the original plans suggested the provision of a row of terraces due to the provision of three domestic front doors. Consequently, the applicant has amended the design of the bin store doors such that they would appear as more ancillary features. The Conservation Officer was re-consulted and notes the amendments are minor, and that whilst the degree of harm would be slightly reduced, that the amendments would not fully overcome the original concerns raised. However, the Conservation Officer has confirmed that the level of harm would be low level.
- 7.5.9 In response to the Conservation Officer's concerns, officers acknowledge that the siting of the building would remain unchanged to that proposed at the time of the appeal. However, it is considered that the design and detailing of the building has acted to mitigate the building's prominence and would ensure that it would sit more sympathetically within the Conservation Area. In terms of materials, the elevations indicate the use of brickwork which is a more traditional material and would reflect other buildings within the vicinity, rather than the cladding proposed under the previously refused scheme. In addition, the glazing design would include sash windows to the flank elevations with a characterful bay window to the front elevation. In addition, it is considered that the revised design would better respect the character of the existing public house, a non designated heritage asset and would appear as an ancillary addition which would not dominate its setting. A condition would be added to any permission requiring full details of the proposed external materials including physical samples to be submitted prior to above building work. Therefore, whilst the Conservation Officer's concerns are acknowledged, it is considered by Officers that the amendments made since the time of the previous refusal and during the course of the application are such, that the proposed building would not appear as a prominent feature and would be more sympathetic to its surroundings. It is not considered that significant demonstrable harm would occur to justify refusal and would overcome the concerns raised by the Inspector at the time of the appeal.
- 7.5.10 In summary, it is therefore considered that the reduced height, scale and design of the building has acted to minimise the overall prominence of the building, such that would better reflect the character and appearance of this part of the Conservation Area. It is not considered that it would be an obtrusive addition which would dominate the streetscene and would better reflect the character and appearance of the non- designated heritage asset. It is viewed that the proposed development would preserve the character and appearance of the Conservation Area. Therefore, subject to conditions, the development is considered to be acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD.

7.6 Impact on amenity of neighbours

- 7.6.1 Policy CP12 of the Core Strategy advises that development proposals should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Appendix 2 of the Development Management Policies LDD states that 'oversized, unattractive, and poorly sited development can result in loss of light and outlook for neighbours and detract from the character and appearance of the streetscene'
- 7.6.2 The nearest residential neighbours are located at Wensum Court, directly opposite the application site. This is a residential home, and there are a number of large clear glazed windows in the flank elevation facing towards the application site. However, given the separation by the highway, it is not considered that this would be an unduly prominent or overbearing form of development. The proposed block plan indicates a minimum distance of approximately 18.2m between the front elevation of the building and the flank elevation sited in closest proximity to the application site. With regard to overlooking, the plans do indicate glazing would face towards Wensum Court. However, it is not considered that demonstrable harm would occur as a result, given the separation by the highway and also acknowledging that this is a town centre location with there is a degree of overlooking between properties due to the higher density nature of the locality. The minimum distance of 18.2m is considered sufficient taking into consideration the urban location of the site.
- 7.6.3 It is unclear whether the first and second floors of the existing pub are in residential use at present. However, it is not considered that the proposed building would be unduly overbearing to the existing building given it would have a lower roof level and would be set at a distance from the building. The block plan indicates a distance of approximately 20.5m between the rear wall of The Western and the flank elevation of the proposed building. With regard to overlooking, there are two first floor windows proposed which would face towards the existing pub. However, the plans indicate that these would serve the proposed stairs and a hallway. As such, these can be conditioned to be obscure glazed and top vent opening only to minimise any impact.
- 7.6.4 There are a number of flank windows at both ground and first floor level which would be located in the southern elevation of the proposed building. However, these windows would face towards the existing car park associated with Marks and Spencer and thus would not cause harm to any residential amenities of nearby neighbours.
- 7.6.5 In summary, given the site circumstances, it is not considered that the proposed development would result in any unacceptable impact to the residential amenities of neighbouring buildings. The development is therefore considered acceptable in this regard and no objections are raised.

7.7 Quality of accommodation for future occupiers.

- 7.7.1 Batchworth Community Council have objected to the proposed development as they note that there is no amenity space provision and furthermore, that the occupiers of the ground floor unit would have no privacy. With regard to amenity space provision, Appendix 2 of the Development Management Policies LDD provides guidance:
- (d) Flats: One bed- 21 square metres
Additional bedrooms: 10 square metres each (space can be allocated specifically to each flat or communally).
- 7.7.2 In this case, the development would not benefit from any private or communal amenity spaces. However, it is not considered that this would result in significant harm to justify refusal for the following reasons. Whilst the Council acknowledges the importance of amenity provision, in this case the site is within walking distance to both Rickmansworth

Aquadrome (0.2miles, 5minute walk) and Bury Meadows (0.3miles, 7minute walk). Given the close proximity of these areas and the ease of the pedestrian routes (safe and level access routes with pedestrian crossings), it is considered that there would be ample recreational opportunities within close proximity of the site. Furthermore, it is emphasised that this is a town centre location, and the more constrained nature of the site means that it would be difficult to provide policy compliant amenity space. It is also noted that the shortfall in amenity space did not form a reason for refusal at the time of the previous application.

- 7.7.3 With regard to privacy, it is acknowledged that the building would sit in close proximity to the adjacent highway and the flank elevation would be located adjoining the access road to the Marks and Spencer's car park. The applicant has confirmed that the windows would be sash style opening windows, to ensure that the windows would not open outwards onto the access road. With regard to privacy, it is acknowledged that the windows at ground floor level in particular would be visible from the access road. However, it is emphasised that this is an urban location where there is a degree of overlooking both between properties and from users of nearby services. Future occupiers would be aware of the siting of the dwelling and how this relates to nearby roads and to the existing car park. It is also emphasised that this also did not form a reason for refusal by the LPA at the time of the previous application and the provision of flank windows was not deemed to be unacceptable by the Planning Inspector.
- 7.7.4 Policy DM9 of the Development Management Policies LDD is also considered relevant. This advises that that planning permission will not be granted *for 'development which would be subject to unacceptable noise levels or disturbance from existing noise sources, irregular or not.'* Batchworth Community Council have raised concerns in relation to the proximity of the development to roads, and the pub and that future occupiers would experience noise and air pollution. In response, these concerns are acknowledged, however, there are existing residential dwellings located in close proximity to the pub and the LPA is not aware of any noise related complaints. Furthermore, the road on which the building would be located is not considered to be so busy as to generate significant levels of traffic which would result in air pollution. Again, it is emphasised that this town centre location is characterised by existing residential properties and therefore it is not considered reasonable to refuse the application on this basis.
- 7.7.5 Consequently, it is considered that given the location of the site, the development would not provide unacceptable living accommodation for future occupiers and as such no objections are raised. The development is considered acceptable and in accordance with Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.8 Landscaping

- 7.8.1 Policy DM6 of the Development Management Policies LDD relates to trees and landscaping. It states that 'development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value or hedgerows considered to meet the criteria of the Hedgerow Regulations 1997'.
- 7.8.2 No significant trees or areas of landscaping would be adversely affected.
- 7.8.3 The submitted block plan does indicate the provision of a 1.1m wide footpath which would provide a safe route in and out of the building from the street, and indicates the provision of some planting to the site frontage. To ensure that the development provides this access route and some form of planting to the front, a condition requiring details to be submitted for approval is included.

7.9 Wildlife and Biodiversity

- 7.9.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.
- 7.9.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application. It is noted that the application is accompanied by a Protected Species Scoping Report. It is noted that this is dated 24th June 2023 and therefore is technically out of date. However, having regard to the nature of the building to be demolished, it is not considered that there would be any significant harm to bats with the report noting that the location of the site and form of the garage, meant that it offered 'negligible' bat roosting potential. These findings are still considered applicable. An informative shall be added reminding the applicant of what to do should bats be found during the course of the development.
- 7.9.3 Comments received during the course of the application note their support for bird boxes as set out in the Ecological Enhancements section of the ecology report. It is suggested that a condition should be added, requiring the ecological enhancements listed in paragraph 5.3.1 of the ecology report should be added as a condition in accordance with Policy DM6 of the Development Management Policies LDD.
- 7.10 Mandatory Biodiversity Net gain.
- 7.10.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions as set out in The Biodiversity Gain Requirements (Exemptions) Regulations 2024.
- 7.10.2 In this case, the applicant considers that the development would be subject to the de minimis exemption. Given that the building would be located on an existing sealed service (a car park), the LPA is in agreement that the de minimis exemption would be applicable.
- 7.11 Highways, Access and Parking
- 7.11.1 Policy CP10 of the Core Strategy requires development to demonstrate that it will provide a safe and adequate means of access. In this case, there would be no alterations to the existing vehicular access and thus the Highways Officer has raised no objection in this regard.
- 7.11.2 With regard to car parking, the proposed development would be located on an area of land which forms part of the existing car park associated with the pub. There is currently provision for ten off street car parking spaces on site, and the proposal would result in the loss of five off street car parking spaces to accommodate the building. The Planning Statement specifies that five car parking spaces would be retained for the use of the pub whilst the residential development proposed would be car free.
- 7.11.3 Appendix 5 of the Development Management Policies LDD sets out that a 1 bedroom dwelling requires 1.75 spaces (1 assigned space), whilst a 2 bedroom dwelling requires 2 spaces (1 assigned space). The proposed development would therefore generate a requirement for 3.75 car parking spaces, or 2 assigned spaces and therefore there would be a shortfall of 3.75 spaces in relation to the proposed development. With regard to Drinking Establishments, Appendix 5 of the Development Management Policies sets out that there should be 1 space per 3square metres of bar area plus 3 spaces per 4 employees.

Whilst floor plans of the Public House have not been provided, based on the above standards, it is unlikely that five car parking spaces would be sufficient for the existing use based on the Appendix 5 requirements. Therefore, it is likely that there would be a shortfall in relation to the existing use. In addition, it is also noted that Appendix 5 of the Development Management Policies LDD sets out that the 'standards for car parking (except for C3 Residential) may adjusted to the zone the proposed development is located in'. However, it does go on to state that 'in areas of high accessibility and good service provision, a reduction in the levels of parking for C3 Residential may be appropriate.

- 7.11.4 With regard to the shortfall in relation to the residential development, it is not considered that there would be any significant harm for the following reasons. The site is located in Car Parking Zone 1 and therefore is within an area of high accessibility where 0-25% of the indicative demand-based standard may be acceptable for non-residential elements and where a reduction in the levels of parking for C3 Residential would also be appropriate. As already emphasised, the site is within a Town Centre location, with Rickmansworth Railway Station being located approximately 300m/350m from the site and is therefore within easy walking distance. In addition, the nearest bus stop in relation to the site is located approximately 100m away and therefore is considered to be in close proximity. Furthermore, the High Street is within walking distance providing a variety of amenities and services. As such, the proposal for a car free development in this particular location is considered to be acceptable. It is also emphasised that a shortfall in car parking provision did not form a reason for refusal under the previous application which proposed an increased number of 3 flats compared to the 2 flats proposed under the current application. The plans also include provision for cycle parking internally for both flats which would further promote alternative transport modes to a car, and the site is in close proximity to national cycle routes, with signed cycle routes and cycle lanes in the immediate vicinity of the site. It is noted that the Highways Officer has suggested a condition in relation to cycle provision, however, the details have been clarified during the course of the application and therefore, a condition is not deemed necessary. With regard to the shortfall for the existing commercial use, it is not considered that this would result in a significant harm to justify refusal. The existing pub is located within a town centre, and it is likely that many of the users of the pub would arrive on foot, or may utilise one of the existing public car parks within the vicinity. As such, it is not considered that significant harm would occur. During the course of the application, an amended plan has been received which has numbered five car parking bays. A condition shall be added requiring that the existing car parking bays to be retained for use by employees and visitors to the existing pub, known currently as The Western.
- 7.11.5 It is however noted that the application site is located within an existing CPZ which is currently at capacity with the number of current car parking permits which have been issued in comparison to the number of identified spaces. As such, the CPZ is already saturated in relation to the number of cars which can be accommodated. As such, a Unilateral Undertaking is needed in order to require payment of the requisite moneys to amend the current TRO (Traffic Regulation Order), to prevent future occupiers from obtaining car parking permits. The applicant has agreed to enter into a legal agreement to ensure that the existing car parking pressures experienced within the locality will not be further exacerbated.
- 7.11.6 In summary, subject to the completion of a unilateral undertaking as outlined above, the development is considered to be acceptable and in accordance with Policy CP10 of the Core Strategy and Policy DM13 and Appendix 5 of the Development Management Policies LDD.
- 7.12 Sustainability
- 7.12.1 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and expected carbon emissions.

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

7.12.3 The submitted information did not indicate the exact saving which would be achieved. However, from 15th June 2022, all new homes were required to produce 31% less than what is current acceptable under present Part L regulations. As such, the development would exceed the requirements of Part L. It is noted that the Energy Statement did refer to the provision of solar panels, however, these were not shown on elevation. Due to the sensitive nature of the site, the applicant has advised that they would not be installing solar panels. However, the applicant has also confirmed that the proposed development would achieve in excess of current Building Regulations due to insulation and installation of triple glazing. Consequently, it is considered that the development is acceptable in this regard.

7.13 Refuse and Recycling

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

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

7.13.2 The plans include an internal refuse storage area. In relation to the internal layout, this would be adjacent to a bathroom and hallway area of the ground floor flat. Therefore this would have no adverse impact on residential amenity. It is noted that amended plans were received during the course of the application to increase its size to enable the correct number of bins to be accommodated. With regard to collection, the applicant has specified that this would be operated by a fob- based system and Environmental Protection have confirmed that no objections are raised in this respect. The Highways Officer did suggest a condition in relation to refuse and recycling, however, the details have been clarified during the course of the application and therefore a condition is not deemed necessary.

7.13.3 With regard to refuse storage for the existing Pub, the applicant has advised that this would be located to the rear of the site adjacent to the rear boundary. It is noted that this area is already utilised for storage and thus no objections are raised in this regard.

7.14 Planning Balance

7.14.1 As set out above, officers consider that the amended scheme would not result in any harm to the character and appearance of the Conservation Area or the non-designated heritage asset. In addition, no other harm has been identified which would justify the refusal of the current application.

7.14.2 If members are not in agreement in relation to the heritage related impacts and conclude that there would be harm, then paragraph 215 of the NPPF must also be considered. This states the following:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 7.14.3 In this case, the Conservation Officer has identified that the level of less than substantial harm to the Conservation Area would be low level.
- 7.14.4 In addition, the LPA cannot currently demonstrate a 5 -year housing land supply and therefore the requirements of the NPPF (2024) are required to be considered. Paragraph 11 and footnote 7 clarifies that in the context of decision taking, that if the policies which are most important for determining the application are out of date (which includes where the LPA cannot demonstrate a five year supply of deliverable housing sites⁰, then planning permission should be granted unless i) the application of policies in this framework that protect areas or assets of particular importance provide clear reason for refusing the development proposed or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole. At the time of the previous refusal, the Inspector noted the following in relation to the issue of housing:

The Government's objective is to significantly boost the supply of housing, and the proposal would provide three new dwellings in a location with good access to services and facilities. It would also lead to a small and time-limited economic benefit during the construction phase, as well as some limited social and economic benefits resulting from future occupiers. Given the small scale of the proposal, and the under provision of housing within the area, these matters would at most attract moderate weight. The moderate weight I attach to these public benefits does not, in the circumstances of this case, outweigh the harm to the designated heritage asset.

- 7.14.5 Officers consider that whilst the current proposal would represent a modest scheme of two dwellings, moderate weight would still be attached to their provision on a brownfield site in a sustainable location with good access to services and facilities. This would again lead to a small and time limited economic benefit during the construction phase as well as some limited and social benefits of future occupiers. Officers therefore emphasise that members must consider whether these public benefits would outweigh any harm identified.

8 That PERMISSION BE GRANTED following the completion of a S106 agreement to secure a final contribution towards affordable housing and amendments to the Traffic Regulation Order and subject to the following conditions:

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

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

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

23.3442.100 P7, 23.3442.101 P2, 23.3442.102 P8, 23.3442.103 P19,
23.3442.104 P23, 23.3442.105 P10

Reason: For the avoidance of doubt, in the proper interests of planning and the character and appearance of the Conservation Area in accordance with Policies PSP1, CP1, CP2, C3, CP4, C9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3, DM4, DM6, DM8, DM9 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

- C3 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the

construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading /unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities;
- h. Provision of sufficient on-site parking prior to commencement of construction activities.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy 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 including full details of the proposed roof tiles, brickwork (including brick type, brick bond, mortar colour, pointing details and brick detailing), sash windows (including their material, finished colour and method of opening) and rainwater goods (including their colour and material) 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 and to preserve the character and appearance of the Conservation Area in accordance with 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).

- C5 Prior to the first occupation of the development, the ecological enhancements listed in paragraph 5.3.1 of the Protected Species Scoping Report (Ref KE/23/0051/1, 24 June 2023) shall be undertaken and should be retained permanently thereafter.

Reason: In the interests of protected species and wildlife in accordance with 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).

- C6 Before the first occupation of the building/extension hereby permitted the first floor stairway and hallway window(s) in first floor northern elevation facing The Western; 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).

- C7 Prior to above ground building works, a scheme of soft landscaping which shall include the 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 shall be submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of how car parking spaces and the pedestrian access path will be marked out/identifiable within the car park area.

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 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).

- C8 The parking spaces labelled 1- 5 on the proposed block plan 23.3442.100 P7 shall be retained permanently for employees and visitors to the existing pub and shall not be used for any other purpose.

Reason: To ensure satisfactory off street car parking is retained for the existing use in accordance with Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013)

8.1 **Informatives:**

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

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

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

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this (cil@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 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 applicant and/or their agent and the Local Planning Authority engaged in pre-application discussions and made amendments during the course of the application which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 13 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

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

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

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

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

Development below the de minimis threshold, meaning development which:

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

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

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

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

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

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

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

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on:

www.lineearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.